



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
June 6 - 10, 1988

Tuesday, June 7, 1988 - 9:30 AM - Planning Items Page 2
Tuesday, June 7, 1988 - 1:30 PM - Informal Meeting Page 3
Thursday, June 9, 1988 - 9:30 AM - Formal Meeting Page 4

Tuesday, June 7, 1988 - 9:30 AM

Multnomah County Courthouse, Room 602

Decisions of the Planning Commission of May 9, 1988:

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

- Hold*
- CS 2-88 Approve expansion of the school use of this property from a grade 9-12 program to a K-12 program plus extended care for children 5-12 years of age for a maximum staff and student population of 430, for property at 16301 SE Division Street
- CS 3-88 Approve request for a change in zone designation from MR-3 to MR-3, CS, community service, for development of the described property with a 14-unit recreational vehicle park;
- HV 5-88 Approve requested ten-foot front yard setback variance, all for property at 16815 SE Division Street
- CU 9-88 Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, for property at 34926 East Crown Point Highway
- MC 1-88 Approve, subject to a condition, change in a pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, for property at 13635 SE Division Street

OTHER ITEM FOR BOARD REVIEW

2nd Read
17

First Reading - An ordinance protecting solar access to new single family residential lots and to new and existing single family houses (C 9-86) (Second reading advertised for June 21)

P. Jacobson w/ request that Bd hold it over to 6/21 - at Informal meeting this p.m.

Tuesday, June 7, 1988 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Bids and Requests for Proposals:
 - a) Vehicle & Equipment Repair Parts and/or Repairs on a Requirements Basis
 - b) Ceiling Tile Removal - J.K. Gill Building, 7th and 9th Floors
2. Informal Review of Formal Agenda of June 9
3. Monthly Library Update/Briefing - Sarah Long
4. Presentation of final recommendations by members of PMCOA on the Governor's Conference on Aging (30 minutes)
5. Presentation of Phase I, Building Inventory and Space Study - Paul Yarborough and F. Wayne George

Thursday, June 9, 1988, 9:30 AM

Multnomah County Courthouse, Room 602

Formal Agenda

9:30 AM

CONSENT AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 Order in the matter of the Conveyance of a Permanent Easement on County Land to GTE NORTHWEST (Near Blue Lake Park, at intersection of NE 223rd Avenue and Blue Lake Road)
- C-2 Orders accepting deeds for County Road Purposes from the following:
 - a) Ronald J. and Gail L. Murray - Lucy Reeder Road
 - b) John and Louise A. Bailey - McNutt Road
- C-3 Orders accepting deeds for Public Road Purposes from the following:
 - a) Burt A. and Carol J. Lukens - NE 155th Avenue
 - b) Otis and Patricia E. Clingman, Jr. - N.E. Interlachen Lane
 - c) John and Louise A. Bailey - Kane Road

SHERIFF'S OFFICE

- C-4 Liquor license application submitted by the Sheriff's Office with recommendation that same be approved as follows: AM/PM Mini Market #5082, 14801 SE Stark (Package Store-Change of Ownership)

BOARD OF COUNTY COMMISSIONERS

- C-5 Resolution in the matter of Proclaiming the Election Results of Ballot Measure #26-2 entitled "Multnomah County Salary Commission's recommended salary adjustment for Commissioners"
- C-6 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #26-3 entitled "Multnomah County Salary Commission's Recommended Salary Adjustment for the County Chair"

- C-7 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #26-4 entitled "Multnomah County Salary Commission's Recommended Salary Adjustment for the District Attorney"
- C-8 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #26-5 entitled "Multnomah County Salary Commission's Recommended Salary Adjustment for the Sheriff"
- C-9 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #26-6 entitled "Multnomah County Salary Commission's Recommended Salary Adjustment for the Auditor"
- C-10 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #26-7 entitled "Formation of Pioneer People's Utility District #1, Authorizes Levy for Report"
- C-11 Resolution in the Matter of Proclaiming the Election Results of Ballot Measure #28-8 entitled "Formation of Pioneer People's Utility District #2, Authorizes Levy for Report"

REGULAR ITEMS

DEPARTMENT OF ENVIRONMENTAL SERVICES

*Hand
10*

- R-12 Budget Modification DES #16 making appropriation transfer within Planning from Personal Services and Materials & Services to Capital Outlay in the total amount of \$12,000, to purchase a personal computer system for desk top publishing, graphics/mapping, data analyses and file tracking

DEPARTMENT OF HUMAN SERVICES

- R-13 In the matter of ratification of a revenue contract modification (#2) with State Senior Services Division, adding \$47,050 to Aging Services, to redistribute federal Title III funds to support priority services for the remainder of this fiscal year, and provides for \$137,647 to be carried forward to FY 88-89
- R-14 Budget Modification DHS #51 reflecting additional revenues in the amount of \$47,050 from State Senior Services Amendment #2, to Aging Services, Pass Through, for the federal Older American Acts (Title III) funds)

ORDINANCES - NONDEPARTMENTAL

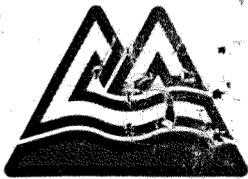
- R-15 Second Reading - An Ordinance establishing procedure and standards for transferring tax foreclosed property to governmental bodies, for transferring administrative responsibility for the ordinance to the Department of Environmental Services, Facilities Management Division, and amending Multnomah County Ordinance No. 560
- R-16 Continued First Reading - An Ordinance amending M.C.C. 11.08 to reduce filing fee for Economic Development Revenue Bond projects, and to simplify approval procedures, and declaring an emergency

BOARD OF COUNTY COMMISSIONERS

- R-17 Budget Modification Nondepartmental #14 making an appropriation transfer in the amount of \$450 within Board of County Commissioners (Commissioner Casterline) from Professional Services to Temporary Services, to provide for temporary secretarial relief

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 P.M., Channel 27 for Rogers Multnomah East subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

0345C.53-58



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, June 7, 1988

9:30 a.m., Room 602

A G E N D A

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

- CS 2-88 Approve expansion of the school use of this property from a grade 9-12 program to a K-12 program plus extended care for children 5-12 years of age for a maximum staff and student population of 430, for property at 16301 SE Division Street.
- CS 3-88 Approve request for a change in zone designation from MR-3 to MR-3, C-S, community service, for development of the described property with a 14-unit recreational vehicle park;
- HV 5-88 Approve requested ten-foot front yard setback variance, all for property at 16815 SE Division Street.

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-Continued-

SUPPLEMENT TO
JOURNAL 160
PAGE 31

CU 9-88 Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, for property at 34926 East Crown Point Highway.

MC 1-88 Approve, subject to a condition, change in a pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, for property at 13635 SE Division Street.

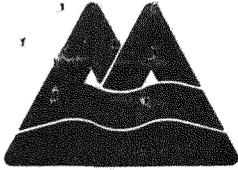
Other Item for Board Review.

Public Hearing

C 9-86 An Ordinance protecting solar access to new single family residential lots and to new and existing single family houses.

First Reading June 7, 1988 at 9:30 a.m.

Second Reading June 21, 1988 at 9:30 a.m.



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

CS 2-88, #504

Community Service
(Expansion of Community Service Approval)
(Extended Child Care Program)

Applicant requests approval to expand an existing school use of this property from existing grades 9-12 to a K-12 program, plus an extended care program for children 5-12 years of age.

Location: 16301 SE Division Street

Legal: Tax Lot '18', Section 6, 1S-3E
1987 Assessor's Map

Site Size: 10.62 Acres

Size Requested: Same

Property Owner: Portland Lutheran Association for
Christian Education
16301 SE Division Street, 97236

Applicant: Same

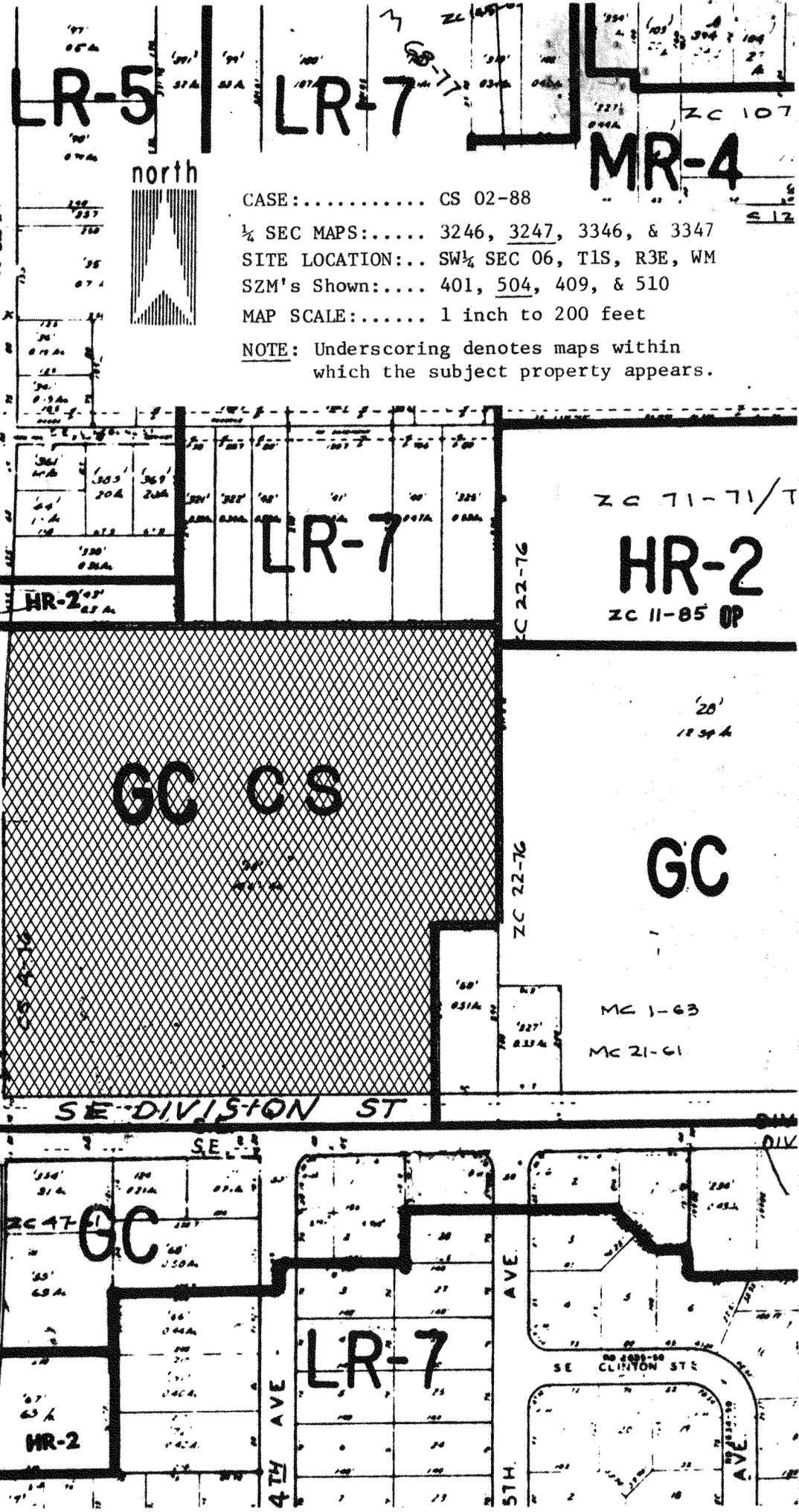
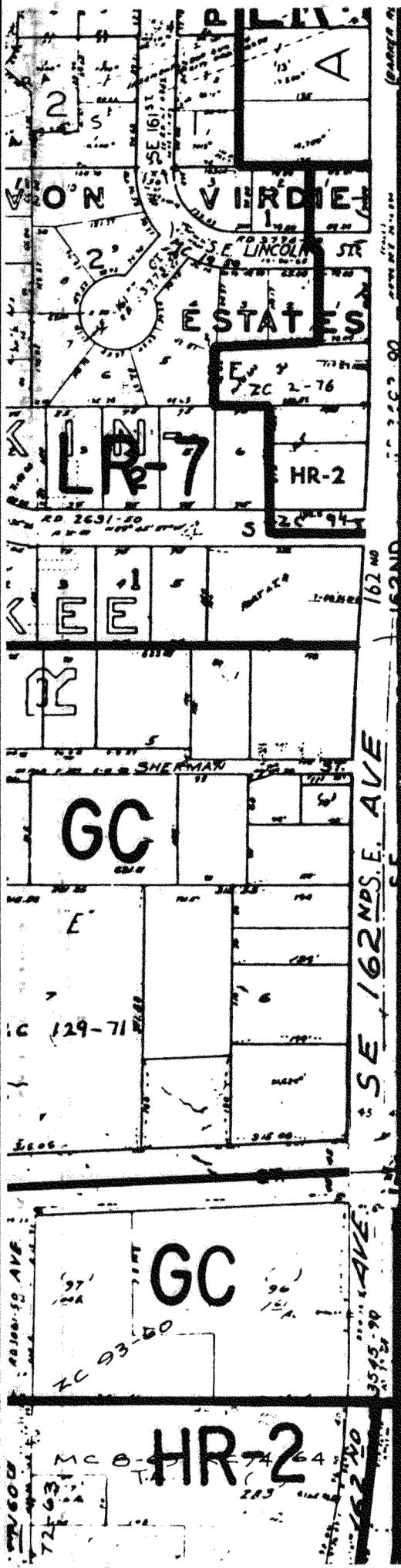
Comprehensive Plan: General Commercial

Present Zoning: GC, C-S, Urban General Commercial
Community Service District

Community service designation shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

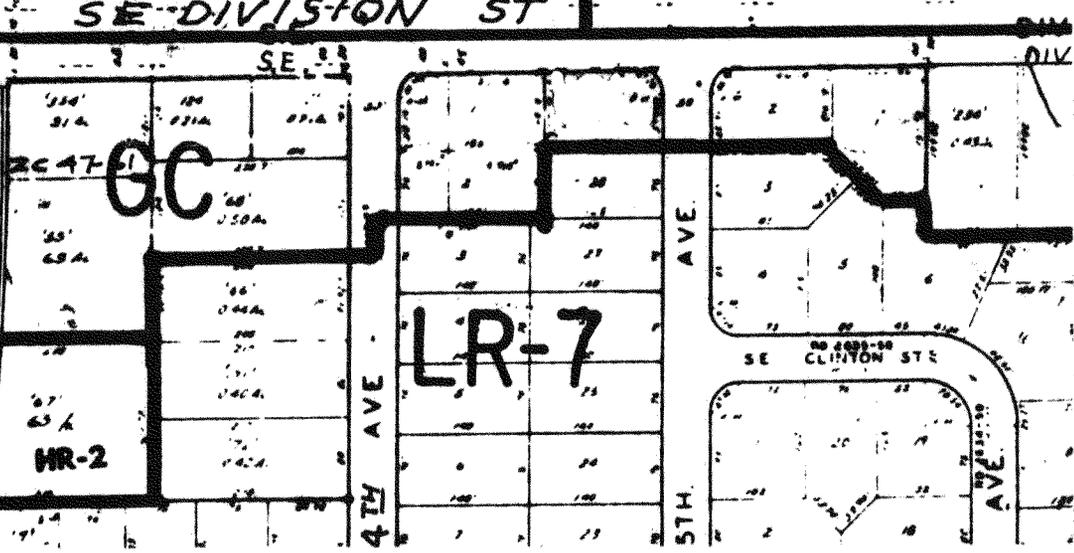
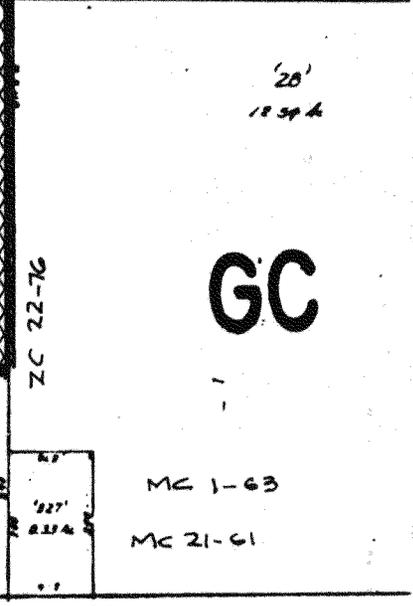
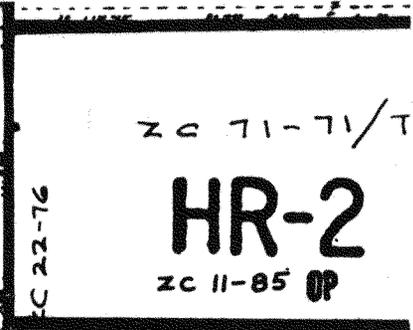
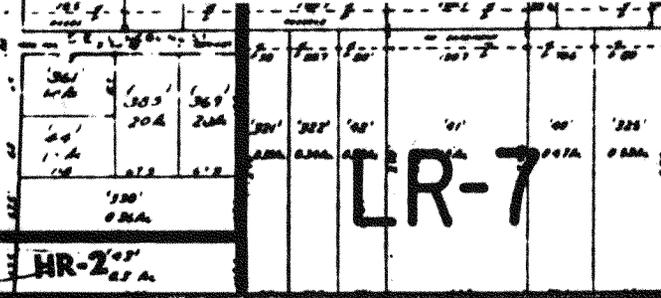
PLANNING COMMISSION
DECISION:

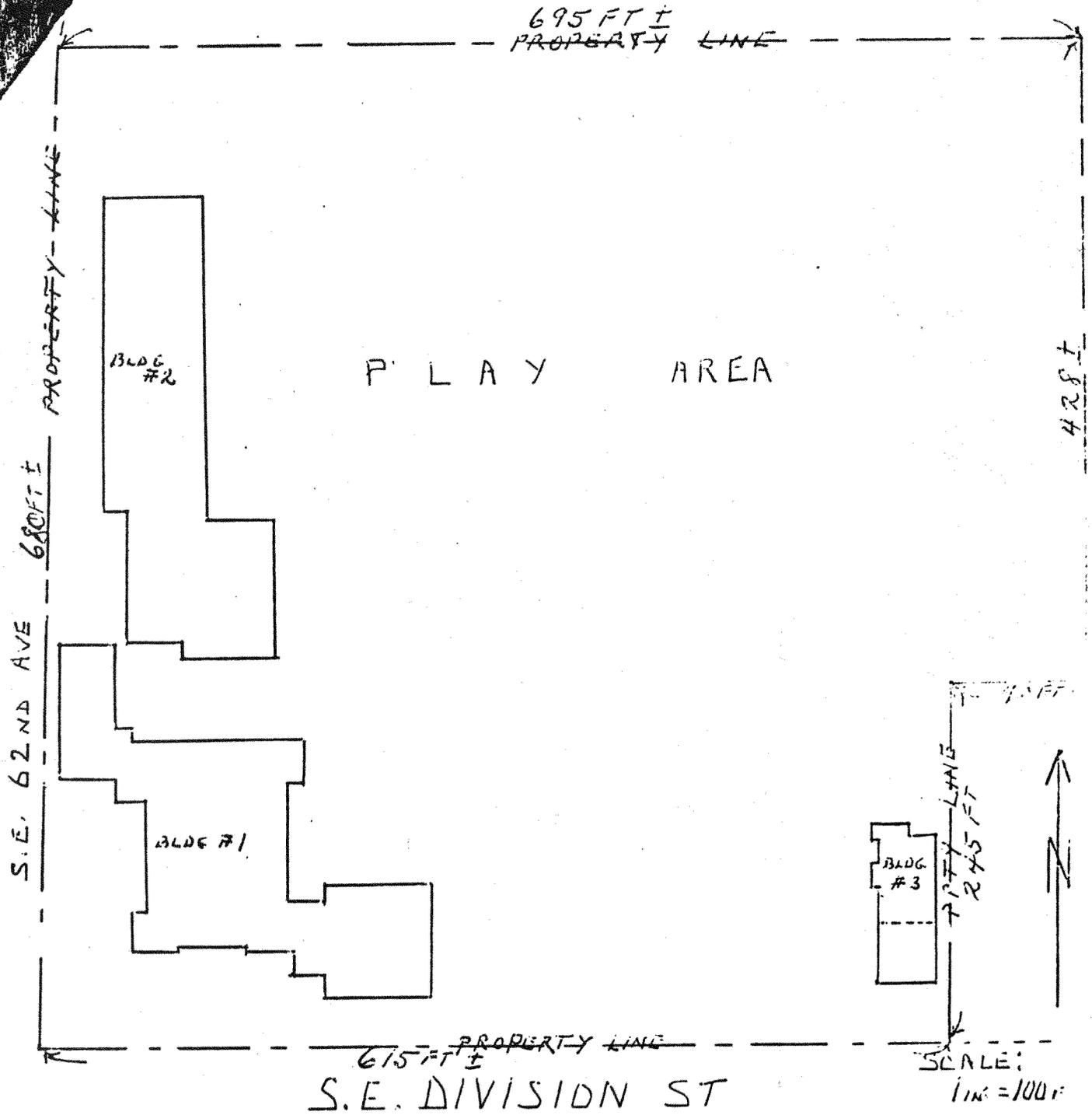
Approve expansion of the school use of this property from a grade 9-12 program to a K-12 program plus extended care for children 5-12 years of age for a maximum staff and student population of 430, based on the following Findings and Conclusions.



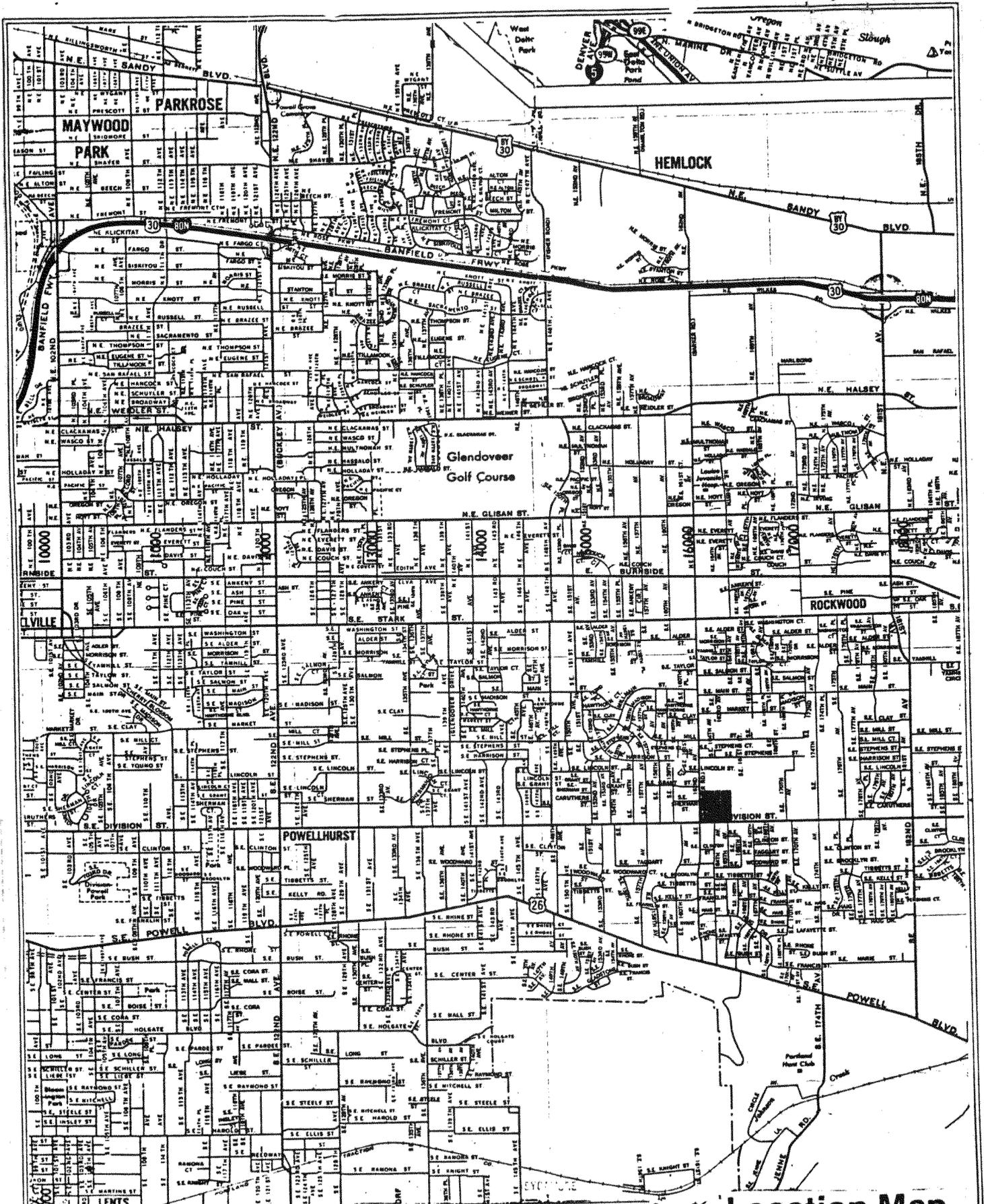
CASE:..... CS 02-88
 1/4 SEC MAPS:..... 3246, 3247, 3346, & 3347
 SITE LOCATION:.. SW 1/4 SEC 06, T1S, R3E, WM
 SZM's Shown:.... 401, 504, 409, & 510
 MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring denotes maps within which the subject property appears.





PLOT PLAN OF LYNCH SCHOOL



C. C. DAWELL I. F. A. C.
 PROFESSIONAL APPRAISER
 MORTGAGE BANKER

Location Map

Findings of Fact.

1. Applicant's Proposal.

Applicant requests expansion of the existing Community Service school use of this property from the previously approved grades 9-12 program to a K-12 program with an extended care program for children 5-12 years of age.

2. Ordinance Considerations.

The burden is on the applicant requesting approval of an expansion of a Community Service use to demonstrate that the proposed expansion:

- (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; and
- (G). Will satisfy the applicable policies of the Comprehensive Plan.

3. Site and Vicinity Characteristics.

This property is located at the northeast corner of the intersection of SE 162nd Avenue and SE Division Street. The property was originally used as an elementary school by Lynch School District and has, since 1976, been used by the Portland Luthern Association as a parochial school. The property is fully developed with all necessary facilities for the proposed class expansion, and has several acres of play area available for the children.

The other three corners of the intersection are developed with commercial uses (e.g., gas station, grocery store and convenience market). There are additional commercial uses both east and west of the site along SE Division Street. The Rose Moyer Theatre complex abuts the property on the east. North along SE 162nd Avenue the property is developed with residential uses.

4. Compliance with Ordinance Criteria.

This proposal satisfies the applicable Approval Criteria for an expansion of a Community Service Use as follows:

A. Consistency with Character of Area.

This property has been continuously used for school purposes since prior to the adoption of zoning for Multnomah County in 1956. The surrounding commercial and residential areas have largely developed around the school and no compatability problems have been reported. Inclusion of the additional grades and the extended care facility within a complex capable of accommodating the additional students should not reduce the compatability of the school with the surrounding area.

B. Natural Resources and Farm and Forest Uses.

There are no natural resources which have been identified that would be imported by this expansion. There are no farm or forest uses which would be imported by the use.

C. Public Services.

All public services necessary to support the proposed expansion are currently available to the property.

D. Big Game Habitat.

The property is not within a big game winter habitat area.

E. Hazardous Conditions.

This property was originally designed and constructed for school use. It has operated as such for a number of years without the identification of any hazardous conditions. There are no hazardous conditions that have been identified that would result from the proposed expansion.

F. Comprehensive Plan Policies.

The following policies of the Centennial Community Plan are found to apply to this request:

a). No. 13 - Air, Water and Noise Quality.

School uses have not been demonstrated to have adverse impacts on air or water quality. The ten-acre parcel provides sound buffering from any noise generated from surrounding properties.

b). No. 22 - Energy Conservation.

This expansion would provide user-energy conservation by providing school and day care at one location; thereby, eliminating possible trips to several locations to receive those services.

c). No. 23 - Redevelopment.

This proposal will allow full utilization of the existing facilities on-site.

d). No. 31 - Community Facilities and Uses.

This proposal qualifies as a Minor community facility and satisfies the Locational Criteria for same as follows:

1. Slope - the slope of the property is less than the ten percent maximum allowed.
2. Access - the property is at the intersection of two major arterials and no traffic will be routed through local neighborhoods. Such location will not result in a dangerous intersection or traffic conjection.
3. Size - This ten-acre property can adequately accommodate the space requirements of a school with maximum staff and student population of 430.

Conclusions.

1. The applicant has carried the burden necessary for granting approval of an expansion of a school use to K-12 plus an extended care program for children 5-12 years of age.

Signed May 9, 1988

By Ruth Spetter, SC
Ruth Spetter, Chairman

May 19, 1988

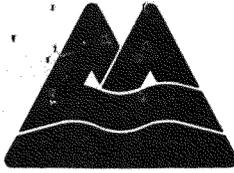
Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

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MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

CS 3-88, #504
HV 5-88, #504

Community Service Request
Front Yard Setback Variance
(Fourteen-Unit Recreational Vehicle Park)

Applicants request change in zone designation from MR-3, medium density residential to MR-3, C-S, community service, to develop a 14-unit recreational vehicle park in conjunction with an existing mobile home park. Applicants further request a ten-foot front yard setback variance to reduce the front yard setback from 30 to 20 feet.

Location: 16815 SE Division Street

Legal: Tax Lot '29' and South 185' of Tax Lot '513',
Section 6, 1S-3E, 1987 Assessor's Map

Site Size: 185' x 1235'

Size Requested: Same

Property Owner: George Albert / Herman Rubin
10900 Los Alamitos Blvd., #145
Los Alamitos, CA 90720

Applicant: Same

Comprehensive Plan: Medium Density Residential

Present Zoning: MR-3, Urban Medium Density Residential District
Density range from 8.1 to 16.1 dwelling units per square acre

Sponsor's Proposal: MR-3, C-S, Urban Medium Density Residential,
Community Service District

Community service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority

PLANNING COMMISSION

DECISION:

Approve request for a change in zone designation from MR-3 to MR-3, C-S, community service, for development of the above described property with a 14-unit recreational vehicle park; Approve requested ten-foot front yard setback variance, all based upon the following Findings and Conclusions.

MR-4

CASES:..... CS 03-88 & HV 05-88

1/4 SEC MAPS:..... 3247 & 3347

SITE LOCATION:.. SW 1/4 SEC 06, T1S, R3E, WM

SZM's Shown:... 504 & 510

MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring denotes maps within which the subject property appears.

LR-7

MR-4

MR-3

HR-1

HR-2 OP

ZC 11-85

GC

20'
12 59 A

MC 1-63

MC 21-61

GC

GC

HR-1

LR-7

LR-7

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HR-2

LR-7

MG
CL



ZC 59-62

ZC 71-71/1

MC 59-62

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057A

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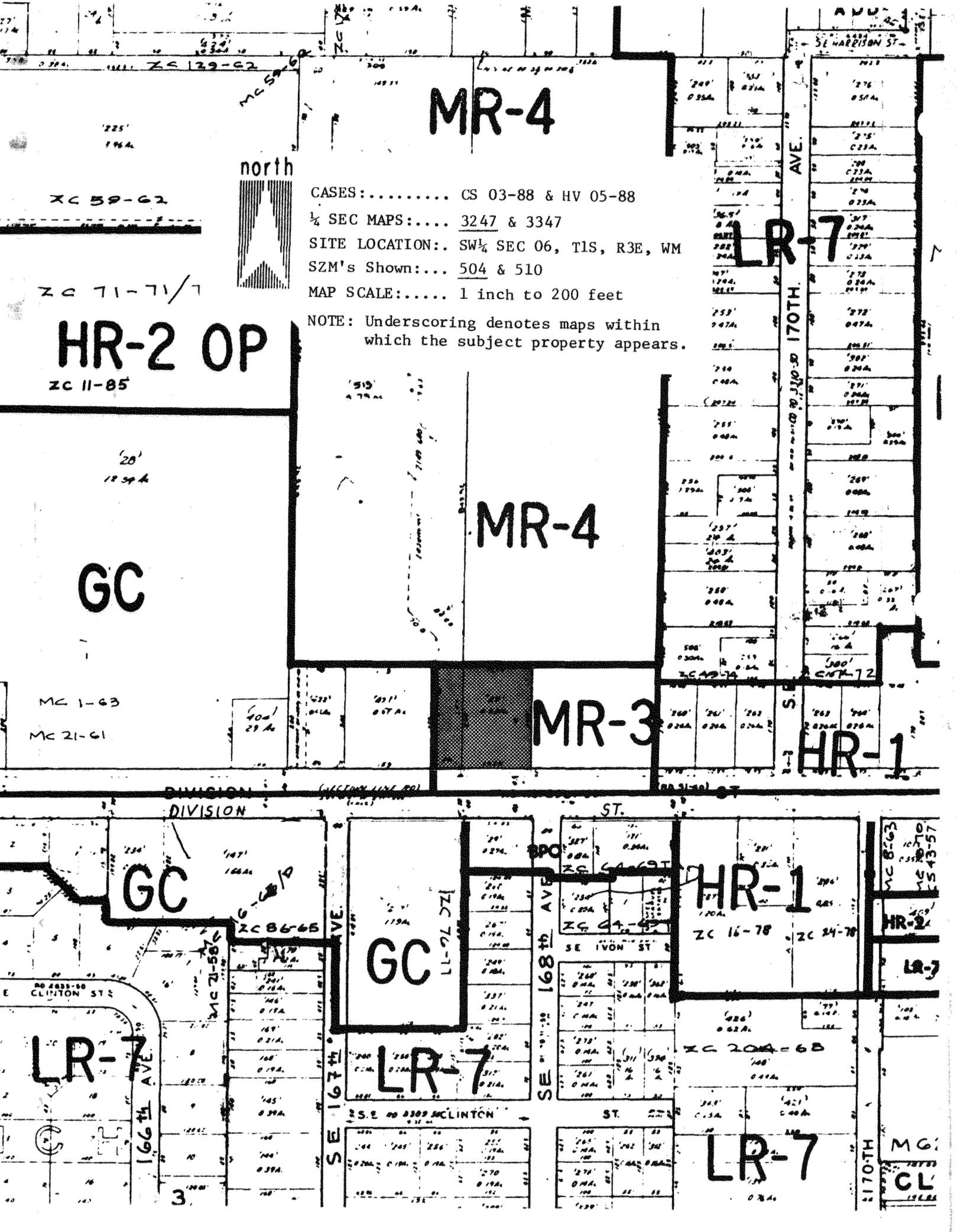
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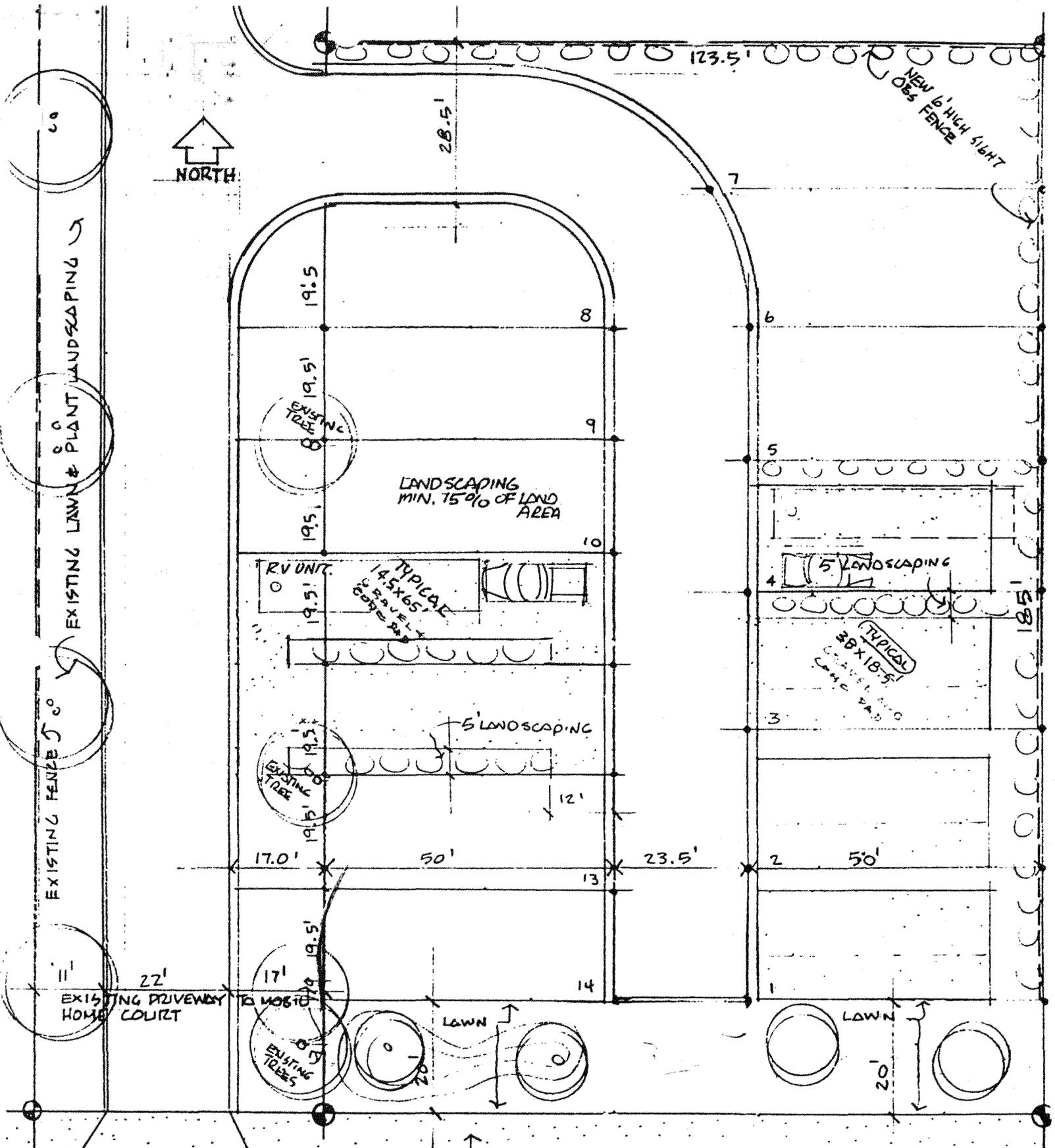
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EXISTING LAWN & PLANT LANDSCAPING

EXISTING FENCE

EXISTING DRIVEWAY HOME COURT

TAX LOT 29 - EXISTING SIDEWALK
 SEC 3247
 T1S R3E MULT. CO. OREGON

S.E. DIVISION ST. - PROPOSED 14 UNIT R.V. PARK
 SCALE 1" = 20'-0"

123.5'

28.5'

NEW 6' HIGH SLIGHT
 DES FENCE

19.5'

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Findings of Fact.

1. Applicant's Proposal.

Applicant proposes to develop this 123.5' x 185' site, plus a portion of the adjacent property to the west to accommodate 14 overnight trailer spaces. This use will be operated in conjunction with the existing mobile home park to the west which is under the same ownership.

The property is zoned MR-3, urban medium density residential, which allows a mobile home park as a conditional use, but the applicant requests approval of an RV park under Section 11.15.7020(A)(2) of the Community Service provisions. The applicant also requests a ten foot front yard variance to allow the park to be located twenty feet from SE Division rather than the thirty feet as required for Community Service areas.

The proposed plan is to provide a central drive through the property from the existing mobile home access. The existing property used as access is 50'0" in width and provides ample vehicular access for both the existing park and the proposed new development.

Seven 20' x 50' overnight spaces would be provided on the easterly side of the new access and seven 20' x 67' drive through spaces would be developed between the new drive and the existing drive to the west. The park would have a 20'0" landscaped setback from SE Division Street and interior landscaping for each trailer pad that will exceed Code requirements.

2. Site and Vicinity Information.

The requested site has 26,000 square feet. It is located on the north side of SE Division Street. It is surrounded on three sides by two large mobile home parks, one of which is owned by the applicant. Property on the south side of SE Division is used for office and commercial purposes.

The site currently has a single family dwelling on it, which would be removed. It is level and has some trees, some of which will be retained as permitted by the development.

3. Ordinance Considerations. (Community Service Un)

Section 11.15.7015 of the Zoning Code provides that the approval authority must find that a request for an RV park complies with the following Approval Criteria:

a. Is Consistent with the Character of the Area.

The site is located on a major arterial and the property is surrounded on three sides by mobile home parks. Other mobile home parks exist nearby on the south side of SE Division Street.

b. The Use Will Not Adversely Affect Natural Resources.

The proposed change from a single family dwelling site to a 14-space overnite mobile home park will not adversely affect any natural resource currently known. The site is currently developed with a single family dwelling and the development of the RV park on the site will not adversely affect natural resources.

c. Will Not Conflict with Farm or Forest Uses in the Area.

This site is located in a built-up urban area and there are no farm or forest lands in the vicinity.

d. Will Not Require Public Services other than those Existing or Programmed for the Area.

The proposed RV park will not add any burden to existing services in the area. The site fronts a major arterial. Water, electricity and other urban services are readily available to the site and sewer facilities are planned. The use will not require any services not presently available.

e. Will be located Outside a Big Game Winter Habitat Area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

This provision does not apply to this property since the area is urban and not near a big game winter habitat area.

f. Will Not Create Hazardous Conditions.

The proposed RV park will comply with all traffic and other public agency requirements. The use will not generate any hazardous conditions. No new access to SE Division Street is planned.

g. Will Satisfy the Applicable Comprehensive Plan Policies.

1). Policy No. 13 (Air, Water and Noise Quality).

Development of this 14-space RV park will not impair the quality of the air or water in the area. There will be no noise above the sound of the vehicle moving in and out of their spaces.

2). Policy No 14 (Development Limitations).

There are no developmental limitations in connection with the proposed use.

3). Policy No. 15 (Natural Resources).

The only known natural resource in the area is a probable bed of gravel below this property. Because of the urbanization of the area, the gravel can no longer be mined economically. Therefore, there are no natural resources available to the site.

4). Policy No. 21 (Housing Choice).

The development of a RV park offers an alternative housing choice to the traveling public. Currently the applicant knows of only two other RV parks available to the public, one at NE 202nd and Sandy Blvd. and the other one on Hayden Island.

5). Policy No. 37 (Utilities).

No extensions or enlargement of any public facilities is required to serve this use.

6). Policy No. 38 (Facilities).

All required facilities are available to the public utilizing the RV park. The site is located in an urban area providing all services.

4. Ordinance Considerations (Variance).

The applicant provides the following argument in support of the requested ten foot front yard variance:

A recreational vehicle park is classified by the Zoning Code as a Community Service use and as such, is subject to the 30'0" front yard requirement of the other uses in the Community Service Section, such as churches, libraries, governmental buildings and other such structures which normally provide greater setbacks because of the size of the structures and the required "setting" for such structures.

At the same time, the Ordinance classifies mobile home parks as Conditional Uses in the medium density residential districts, MR-3 and MR-4. Required front yard setbacks in the two districts are the same as other uses in the district or 20'0".

The requested property is zoned MR-3 and the basic front yard setback is 20'0". If the property were developed with a mobil home park or any other permitted MR-3 use, the setback would be 20'0".

A 30'0" setback is only because the recreational park is classified as a Community Service Use.

The Planning Commission may permit and authorize a variance to allow a 20'0" front yard for the proposed use when substantially all of the following conditions and facts are found to exist:

- A. Unusual circumstances or conditions apply to the property or the intended use that do not apply generally to other property in the vicinity or district.

The applicant's property is located on the north side of SE Division Street, a major east/west arterial connecting Portland and Gresham. The site is relatively small and surrounded on three sides by two large mobile home parks.

The first property west of the site is a restaurant located 20'0" or less from SE Division Street. Property to the east is developed with a mobil home park. The Division Street frontage is developed with a circular driveway to facilitate entrance to the court.

SE Division Street was widened to its present four lanes in 1956. Frontage was purchased from both sides of the street, leaving nearly all buildings in this urban area of the street with setbacks ranging from 0 to 20'0". To require a 30'0" setback on this small piece of property 123 feet in width constitutes unusual circumstances applying to this property that do not apply generally to other property in the vicinity.

- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the vicinity.

As stated above, most properties on both the north and south side of SE Division Street presently enjoy setbacks ranging from none to 20'. Required setbacks range from none in commercial districts to 20'0" in residential zones. No properties require 30'0" setbacks in the vicinity.

- C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Properties in the vicinity of the applicant's site are all urban in character and for the most part, are fully developed. As stated above, there are not 30'0" required yards in the area. Therefore, there will be no injury to property nor will the variance, if granted, be detrimental to the public welfare.

- D. The granting of the variance will not adversely affect the realization of the Comprehensive Plan since no segment of the Comprehensive Plan calls for or requires a 30'0" setback in this area of the County. The maximum required setback is 20'0" which is the setback requested by the applicant.

Denying the applicant's request will decrease the value of the applicant's property by reducing the number of RV spaces it can support and would deprive the applicant of a property right he otherwise would have.

Conclusion.

1. This property satisfies the approval criteria for a recreational vehicle park in the MR-3 district as demonstrated by Finding No. 3. The applicant has also demonstrated that unusual circumstances apply to this property that support the requested ten foot front yard setback variance.

Signed May 9, 1988

By *Ruth Spetzer, ss*
Ruth Spetzer, Chairman

May 19, 1988

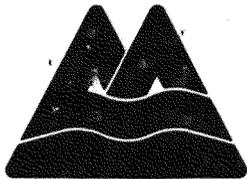
Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0853P



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of

IN THE MATTER OF:

CU 9-88, #658/#661

Conditional Use Request
(Expansion of Produce Roadside Stand)

Applicants request conditional use approval to expand an existing roadside produce stand with a 24' x 36' addition. The major portion of the building would house a walk-in cooler.

Location: 34926 East Crown Point Highway

Legal: Tax Lot '66', Section 34, 1N-4E
1987 Assessor's Map

Site Size: 5 Acres

Size Requested: Same

Property Owner: Henry/Marie Schwartz
34926 East Crown Point Highway, Corbett, 97019

Applicant: Same

Comprehensive Plan: Exclusive Farm Use

Present Zoning: EFU, Exclusive Farm Use District
Minimum lot size as specified by the Chapter

PLANNING COMMISSION
DECISION:

Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, based on the following Findings and Conclusions.

north



CASE:..... CU 09-86

SITE:..... Tax Lot 66

LOCATION:..... NW 1/4 SEC 34, T1N, R4E, WM

SZM's Shown:... 658, 659, 660, & 661

MAP SCALE:..... 1 inch to 400 feet

SZM BOUNDARY:..

NOTE: Underscoring denotes Sectional Zoning Map within which subject property appears.

MUF-19 SEC

MUF-19

CROWN POINT HIGHWAY

EFU

34

MUA-20

MUF-19

EFU

CU 49-80

CEEDAR RR
68.63 AC.

TRACTS
2

CU 47-80

SZM 658

SZM 659

SZM 660

SZM 661

'38'
50.50 AC

'22'

'103'

'102'

'21'
16.38 AC.

'6'
60.12 AC.

BC SEC 65

BC SEC 68

MUA-20 SEC

BC SEC 66

UNIQ

13'

9

5-80

32'
180'

33'
34'

36'
37'

38'
39'

40'
41'

42'
43'

44'
45'

46'
47'

48'
49'

50'
51'

52'
53'

54'
55'

56'
57'

PLOT PLAN
 Henry and Marie Schwartz
 34926 E. Crown Point Hwy,
 Corbett, Ore 97019

Scale 1" = 100'

CROWN POINT HIGHWAY
 362.60'



(Existing Fruit Stand)



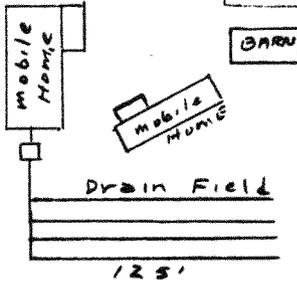
DRIVEWAY

275'

Blueberry Field

Legal Description
 TL66 TIN R4E Sec 34
 Multnomah County,
 OREGON

5 ACRES



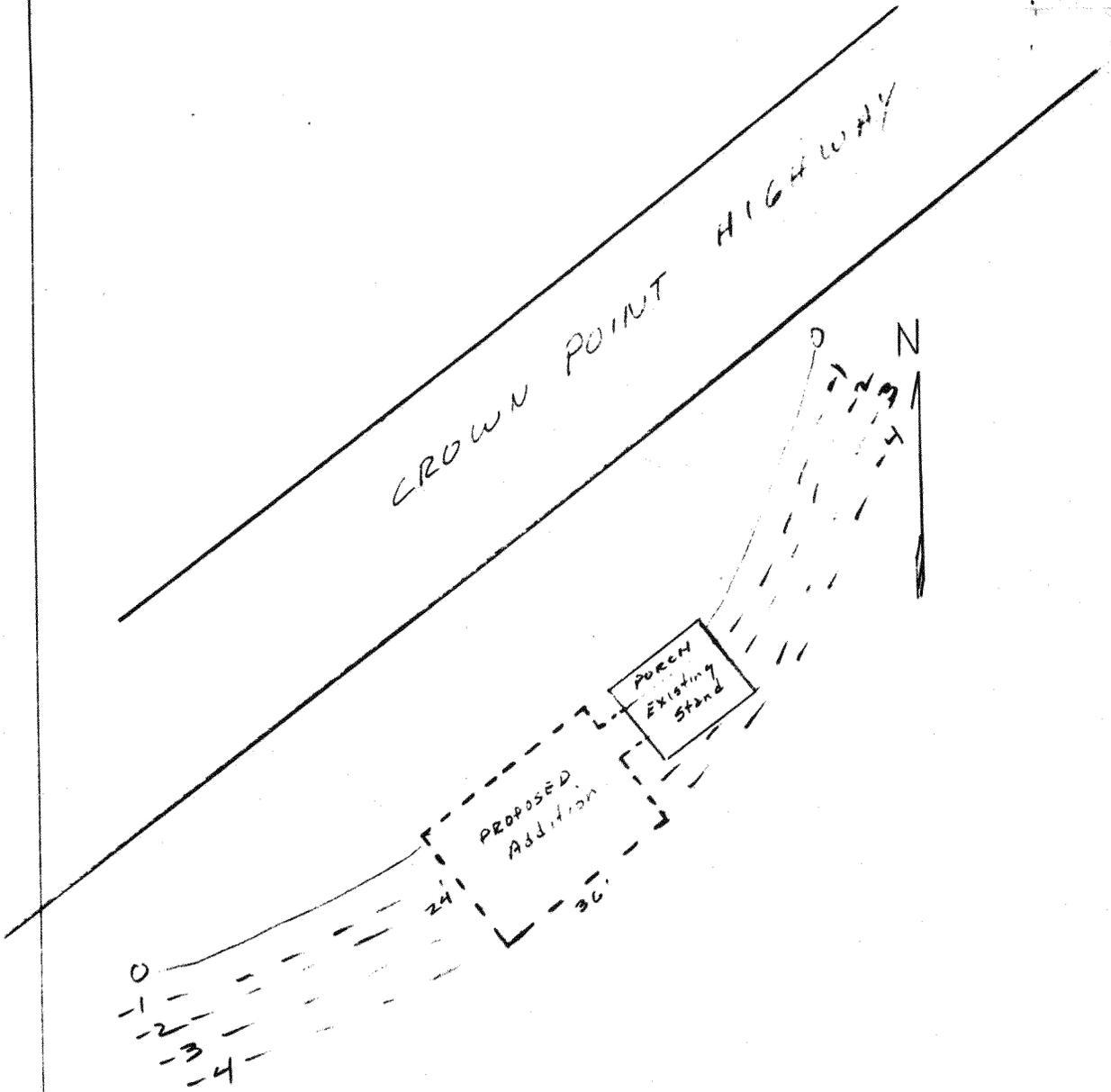
843.81

627'

TL 66
 5 ACRES

296.30'

42 381 50 SHEETS 5 SQUARE
42 382 100 SHEETS 5 SQUARE
42 389 200 SHEETS 5 SQUARE



Supplement to Plot Plan
TL 46 Sec 34 T1N R3E W.11.
Henry and Marie Schwartz
34926 E. Crown Point Hwy.
Corbett, Ore 97019

Scale 1" = 30'

Contours 1'

Conditions of Approval.

1. Meet design review requirements. For more information, contact Mark Hess at 248-3047.
2. Sales shall be limited to agricultural products, primarily those raised on the subject property or on other farms in the immediate vicinity, which has been defined as a five-mile travel radius. However, agricultural products sold may include a small number of items such as apples and cherries from areas such as the Hood River Valley and The Dalles.
3. Obtain written confirmation from the Oregon State Highway Division that access from the subject property to and from East Crown Point Highway will be adequate in light of the proposed new building. Obtain approval from the Columbia River Gorge Commission.

Findings of Fact.

1. Applicant's Proposal.

The applicants presently operate a produce stand on the subject property between the months of May and September. Items sold that are raised on the subject property include raspberries, blueberries, nectarberries, currants, gooseberries, corn and tomatoes. The applicants have also sold other types of berries and vegetables from other farms in the area and have also sold apples and cherries from the Hood River Valley and The Dalles. At this time, the applicant proposes to construct a second building next to the existing stand. The new building would be 24' x 36' (864 square feet) in size. The existing building is 10' x 20' (200 square feet) in size. The new building is proposed to house a large walk-in cooler which would take up about one-third of the floor area. Like the existing building, the new building is proposed to be of frame construction with textured plywood with exterior siding.

2. Site and Vicinity Information.

The site is located at 34926 East Crown Point Highway, approximately 300 feet east of NE Curtis Drive in the Corbett area and contains five acres. The site is zoned EFU, exclusive farm use district. Land to the north, across Crown Point Highway, is zoned MUF-19, multiple use forest district, as is land to the south. Land to the east is also zoned EFU. Parcel sizes in the immediate vicinity are mixed, ranging in size from about two acres on land to the west to 115 acres on land to the north. The subject property is located less than one-half mile west of the Corbett business district.

3. Zoning Ordinance (MCC 11.15) Considerations.

- A. The site is zoned EFU, exclusive farm use district. Land to the west is zoned RR, rural residential district. This zone allows "commercial activities that are in conjunction with farm use" as conditional uses under MCC 11.15.2012(B)(1).

- B. In approving a Conditional Use listed in this Section, the approval authority 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; and
 - (g). Will satisfy the applicable policies of the Comprehensive Plan.

4. Compliance with Ordinance Criteria.

(A). Consistency with Character of the Area.

The operation and proposed expansion of the stand complies with MCC 11.15.7120(A). Although the stand has operated since 1982, it appears to have had no adverse effect on nearby properties. The sale of fruits and vegetables grown on the subject property and on other farms in the vicinity is less intensive in nature than the commercial uses located in the Corbett business district to the east. The sale of agricultural products is compatible with the predominantly rural character of the Corbett community. The sale of agricultural products from roadside stands is a common type of commercial activity along the Columbia River Scenic Highway. Produce stands such as the stand under consideration have been deemed appropriate for the Gorge area in a March, 1988 economic study prepared for the Columbia River Gorge Commission by Dean Reuyann Associates.

Since the site is within the General Management Area of the Columbia River Gorge National Scenic Area, the proposal is subject to review and approval by the Columbia River Gorge Commission. The Director will make a decision on the proposal on or before June 6, 1988. A Gorge Commission Staff member has advised staff that there appears to be no problems with the proposal, subject to the limitation on goods sold as contained in Approval Condition No. 2.

(B). Effect on Natural Resources.

The proposal complies with MCC 11.15.7120(B) in that it will not adversely affect natural resources. The retail activity is limited to the sale of agricultural produce that is grown primarily on the subject property. There are no aggregate resources, energy resources, water sheds, fish or wildlife habitat, wetlands or other natural resources in the immediate area of the proposal.

(G). Avoidance of Conflict with Farm or Forest Uses in the Area.

Subject to Approval Condition No. 2, the proposal complies with MCC 11.15.7120(C) in that it will not conflict with farm or forest uses in the area. Based upon information furnished by the applicant, items sold consist of fruits and vegetables grown on the subject property, on other farms in the immediate vicinity, and in some cases, farms and orchards as far away as The Dalles or the Hood River area. The relatively limited scale of the commercial activity is such as not to conflict with the raising of agricultural crops on the subject property and land to the east, or the growing of trees on land to the north or south.

(D). Requirement for Additional Public Services.

The existing produce stand is 200 square feet of floor area and the proposed new building will contain an additional 864 square feet of floor area. The subject property presently has water, electric and telephone service. No additional services will be required as a result of the new building. However, it will be necessary for the applicant to furnish written confirmation from the State Highway Division that access from the stand to the highway meets applicable State standards. The applicant obtained an "approach road" permit from the State Highway Division for the original stand in July, 1982 (Permit No. 27745).

(E). Fish and Wildlife Considerations.

The proposal complies with MCC 11.15.7120(E) in that the subject property is not located within a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

(F). Creation of Hazardous Conditions.

The proposal complies with MCC 11.15.7120(F) in that it will not create any hazardous conditions, subject to Approval Conditions No. 1 and 3. Adequacy of parking for the new building will be determined through the County's design review process. The State Highway Division will review adequacy of the existing highway approach in light of the proposed new building.

(G). Compliance with Comprehensive Plan Policies.

Comprehensive Plan Policy No. 9 addresses agricultural land areas. One of the strategies of this Policy is to make provision for retail sales of farm products in the EFU district. Approval of the subject proposal is consistent with that strategy.

Conclusions.

Finding No. 4 indicates that the Approval Criteria of MCC 11.15.7120 are met, subject to the Approval Conditions stated.

Signed May 9, 1988

By *Ruth Spetter, Jr.*
Ruth Spetter, Chairman

May 19, 1988
Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0855P



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

MC 1-88, #399

Change in Pre-Existing Use
(Limousine Service with Office and Warehouse)

Applicants request a change in a pre-existing use, from the present auto body and repair shop to a site for limousine service, consisting of an office and a warehouse, where the limousines would be parked. The site will be improved with paving and landscaping.

Location: 13635 SE Division Street

Legal: Except the South 15' in the Road,
South 120' of East 58' of West 131.5' of Lot 18
Taylors Subdivision, 1987 Assessor's Map

Site Size: 58' x 105'

Size Requested: Same

Property Owner: Maryjane Setterlund
PO Box 305, Terrebonne, Oregon 97760

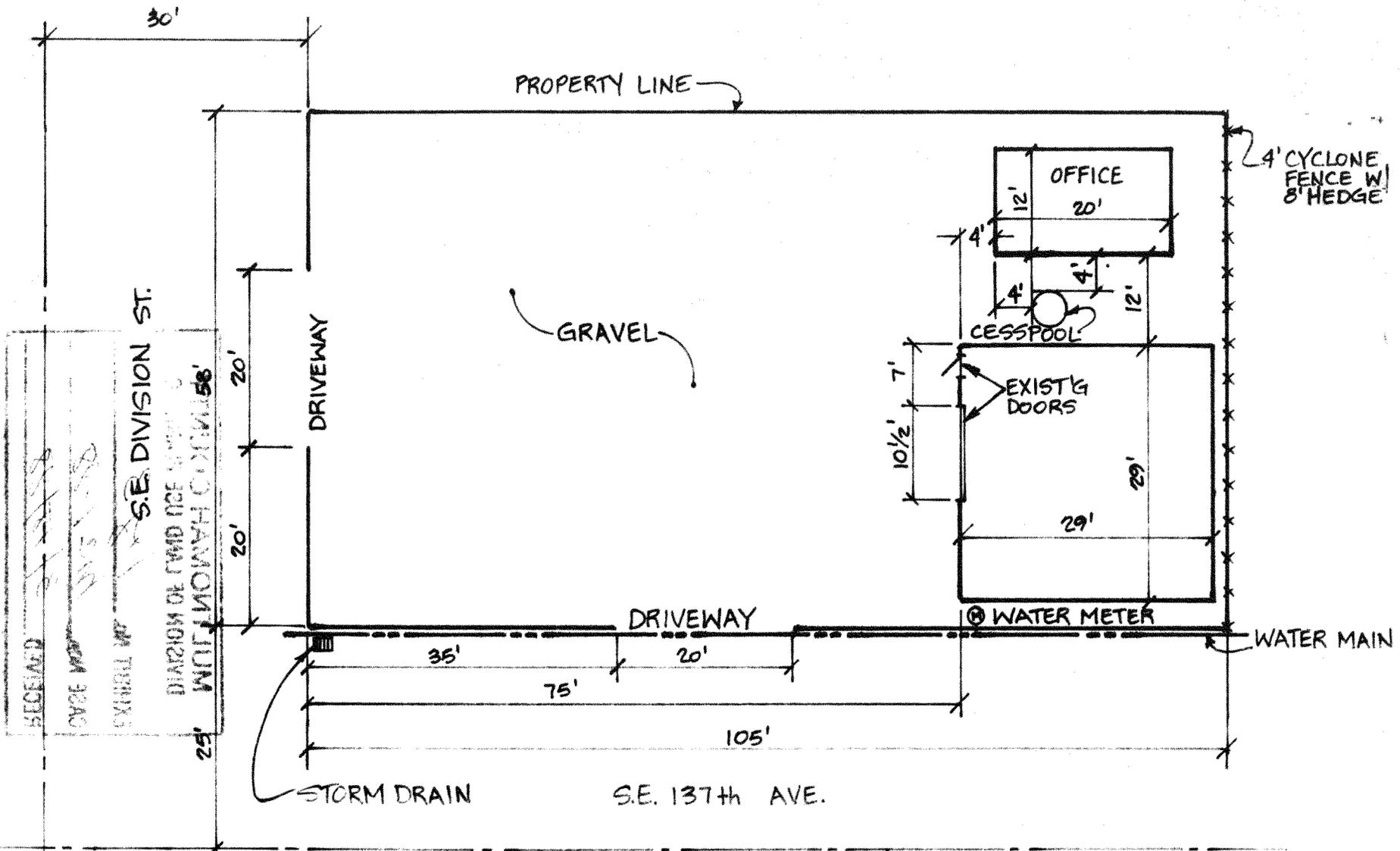
Applicant: John/Alma Rudisill
1244 NE 153rd Avenue, 97230

Comprehensive Plan: Medium Density Residential

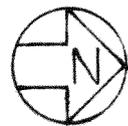
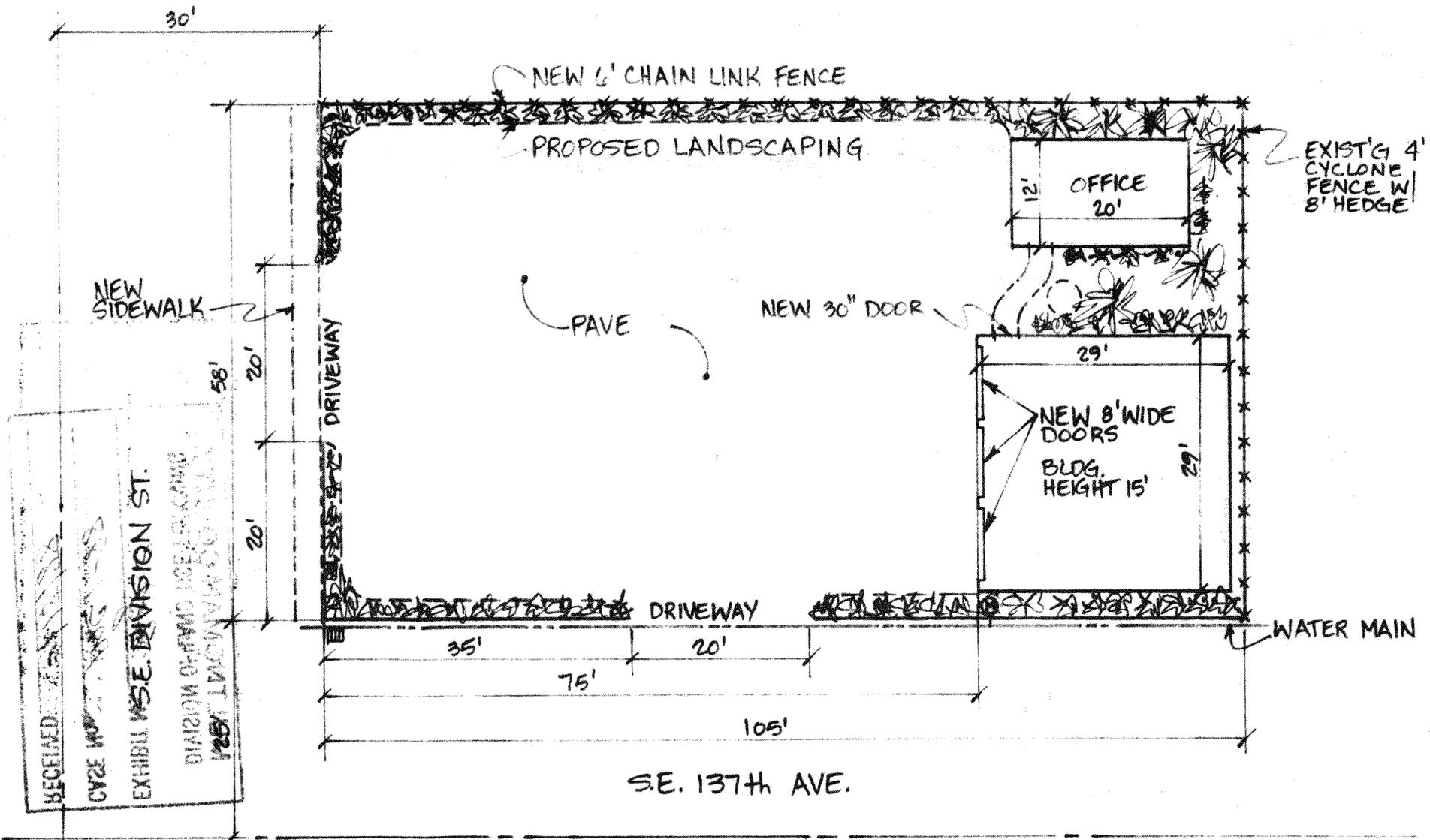
Present Zoning: MR-4, Urban Medium Density Residential District
Density range from 7.2 to 10.9 units per acre

PLANNING COMMISSION
DECISION:

Approve, subject to a condition, change in pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, based on the following Findings and Conclusions.



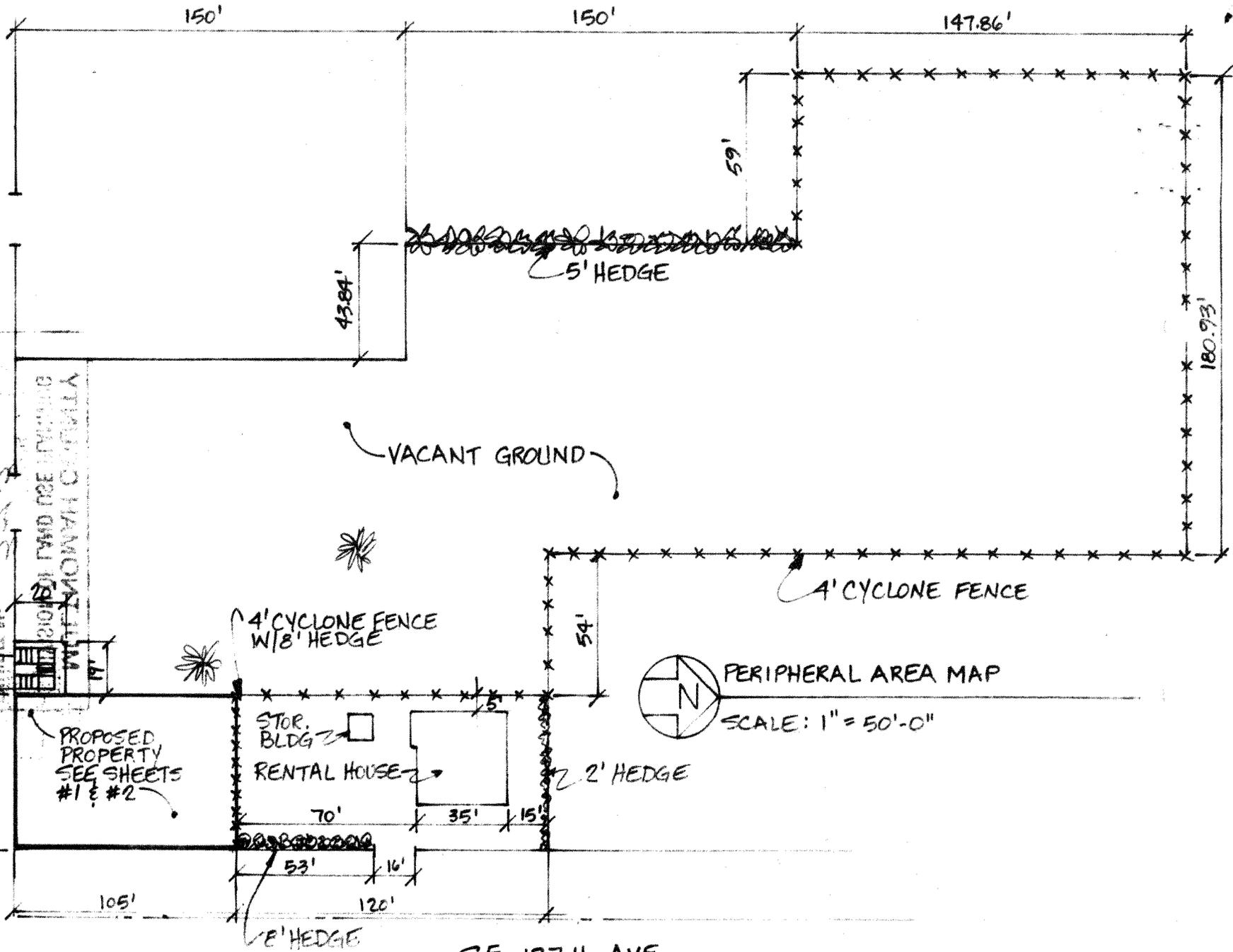

 EXIST'G SITE & BUILDINGS PLAN
 SCALE: 1/16" = 1'-0"



PROPOSED SITE & BUILDINGS PLAN

SCALE: 1/16" = 1'-0"

SE. DIVISION ST.



ATTACHED HANDWRITTEN
LETTERS FROM THE
CITY OF SEASIDE

Condition of Approval.

Prior to the issuance of development permits, the applicant shall satisfy the applicable requirements of design review regarding paving, landscaping and signage.

Findings of Fact.

1. Applicant's Proposal.

Applicant requests approval to change the pre-existing use of this property from the present auto body and repair shop to a limousine service, consisting of a storage building and office.

2. Ordinance Considerations.

The burden is on the applicant for a change in a pre-existing use to demonstrate that the proposed change will affect the surrounding area to a lesser negative extent than the current unlisted use, considering:

- A. The character and history of the use and of development in the surrounding area;
- B. The comparable degree of noise, vibration, dust, odor, fumes, flare or smoke detectable at the property line;
- C. The comparative numbers and kinds of vehicular trips to the site;
- D. The comparative amount and nature of outside storage, loading and parking;
- E. The comparative visual appearance;
- F. The comparative hours of operation;
- G. The comparative effect on existing vegetation;
- H/ The comparative effect on water drainage;
- I. The degree of service or other benefit to the area; and
- J. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

3. Site and Vicinity Characteristics.

This property is located on the northwest corner of the intersection of SE 137th Avenue and SE Division Street. The property is currently developed with a garage and accessory building and an unpaved parking lot.

Properties on the south side of SE Division Street are developed with a variety of commercial uses, as are the majority of those on the north side. The northeast corner of the intersection of SE 137th and Division is used for single family residential purposes

4. Compliance with Ordinance Criteria.

This proposal satisfies the Approval Criteria for a change in a pre-existing use as follows:

- A. The surrounding area consists of businesses and vacant property. Within 500 feet east, west or south there is a Dairy Queen Drive-Up restaurant, plumbing business, printing shop, carpet store, pet store, gun repair and a metal detector store. Therefore, this business should will fit in well with the existing businesses.
- B. The degree of noise, fumes or odors will be almost negligible. Limousines are one of the quietest of automobiles. There will be no major repairs or body repairs, etc. done at this location.
- C. The number of vehicular trips to the business will be minimal. On occasion clients will stop at the site to inquire about services. Most of the business is conducted over the telephone or by mail.
- D. Outside storage or loading will be minimal. Limousines are kept inside as much as possible due to weather conditions and for security purposes.
- E. Presently there is no landscaping or paving on the property. The applicant would landscape, pave and fence property conforming to the surrounding businesses. They also would install a security alarm system.
- F. Office hours would be approximately 10:00 a.m. to 8:00 p.m. six days a week.
- G. This business would be a benefit to the area because of the proposed site improvements. The business also intends to do fund raises for surrounding high schools, junior highs and churches. They will be involved in Christmas light tours for retirements homes.

Conclusion.

Finding No. 4 demonstrates that the proposed limousine service will have a less negative impact on the surrounding area than the existing auto body and repair facility. Therefore, the proposal satisfies the approval for a change in a pre-existing use.

Signed May 9, 1988

By Ruth Spetter, PC
Ruth Spetter, Chairman

May 19, 1988

Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Monday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0854P

BEFORE THE STEERING COMMITTEE OF THE
PORTLAND-VANCOUVER METROPOLITAN AREA
SOLAR ACCESS PROJECT

In the matter of proposed) RESOLUTION RECOMMENDING
Solar Access Protection Ordinances for the) ADOPTION
Portland-Vancouver Metropolitan Area) January 20, 1988 draft

WHEREAS it is state and federal policy to promote energy conservation and the use of renewable resource, and Washington and Oregon statutes authorize local governments to encourage, protect and provide solar access;

WHEREAS the comprehensive plans in the Portland-Vancouver Metropolitan Area include policies to conserve energy including, in many cases, protection of solar energy access rights;

WHEREAS traditional property law principles do not protect solar energy access in the absence of a private agreement or public law that requires such protection. Existing land use laws in the Portland-Vancouver Metropolitan Area do not protect solar energy access. Private easements and incentives in those laws to encourage the use of solar energy have not resulted in significant protection of solar energy access.

WHEREAS without protection of solar access, many opportunities to use solar energy have been lost forever and will continue to be lost in the future.

WHEREAS 22 local governments and interested agencies, firms, organizations, and individuals in the Portland-Vancouver Metropolitan Area have joined together with the goal of developing uniform land use ordinances to protect solar access throughout the area.

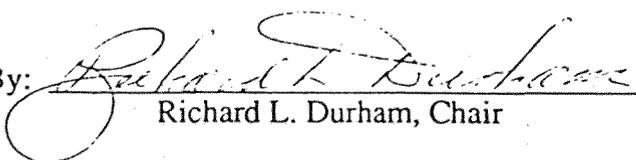
WHEREAS a detailed program of technical research and public involvement was conducted. The ordinances were drafted by consensus with broad and representative input from local governments and the private development community. The benefits of implementing the ordinances were determined to exceed the costs, and the ordinances were determined to comply with state and local laws and the eight design principles set forth early in the process.

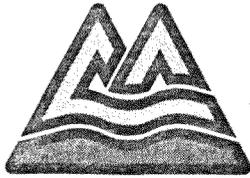
NOW, THEREFORE, BE IT RESOLVED:

The Steering Committee recommends that the governments taking part in the project adopt the four model solar access protection ordinances, based on this resolution and the accompanying model findings and conclusions.

DATED this 28 day of January, 1988.

STEERING COMMITTEE
METROPOLITAN SOLAR ACCESS PROJECT

By: 
Richard L. Durham, Chair



MULTNOMAH COUNTY OREGON

31
5/160

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

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

June 7, 1988

Ms. Lorna Stickel, Planning Director
Division of Planning & Development
2115 SE Morrison
Portland, OR

CORRECTED COPY

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held June 7, 1988

In the Matter of the Decisions of the Planning)
Commission of May 9, 1988, Cases CS 2-88;)
CS 3-88; HV 5-88; CU 9-88; MC 1-88)

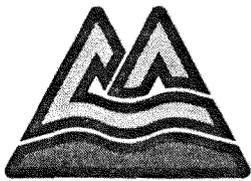
There being no Notice of Review before the Board for the above-entitled matters, and the Board not wanting to review the matters on its own motion, the Chair acknowledged receipt of the decisions.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Barbara E. Jones
Barbara E. Jones
Asst. Clerk of the Board

bj
cc: Assessment & Taxation
Engineering



MULTNOMAH COUNTY OREGON

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

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

June 7, 1988

Ms. Lorna Stickel, Planning Director
Division of Planning & Development
2115 SE Morrison
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held June 7, 1988, the following action was taken:

In the Matter of the Decisions of the Planning)
Commission of May 9, 1988, Cases CS 2-88;)
CS 3-88; CU 9-88; MC 1-88)

There being no Notice of Review before the Board for the above-entitled matters, and the Board not wanting to review the matters on its own motion, the Chair acknowledged receipt of the decisions.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: County Engineer
Assessment & Taxation

6/7/88 Am.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, June 7, 1988

9:30 a.m., Room 602

A G E N D A

MULTNOMAH COUNTY
OREGON
1988 MAY 26 AM 11:28
BOARD OF
COUNTY COMMISSIONERS

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

Act

CS 2-88 Approve expansion of the school use of this property from a grade 9-12 program to a K-12 program plus extended care for children 5-12 years of age for a maximum staff and student population of 430, for property at 16301 SE Division Street.

CS 3-88 Approve request for a change in zone designation from MR-3 to MR-3, C-S, community service, for development of the described property with a 14-unit recreational vehicle park;

HV 5-88 Approve requested ten-foot front yard setback variance, all for property at 16815 SE Division Street.

808P

-Continued-

CU 9-88

Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, for property at 34926 East Crown Point Highway.

MC 1-88

Approve, subject to a condition, change in a pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, for property at 13635 SE Division Street.

Other Item for Board Review.

Public Hearing

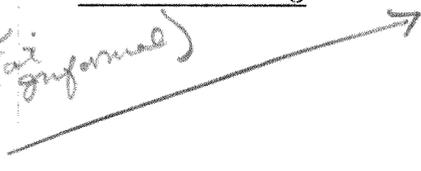
C 9-86

An Ordinance protecting solar access to new single family residential lots and to new and existing single family houses.

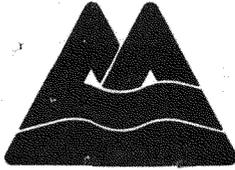
First Reading June 7, 1988 at 9:30 a.m.

Second Reading June 21, 1988 at 9:30 a.m.

*First Reading
Approved -
2nd 6/14
(later chgd.
6/21 (at
informal))*



BOARD OF
COUNTY COMMISSIONERS
1988 MAY 26 AM 11:29
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

CS 2-88, #504

Community Service
(Expansion of Community Service Approval)
(Extended Child Care Program)

Applicant requests approval to expand an existing school use of this property from existing grades 9-12 to a K-12 program, plus an extended care program for children 5-12 years of age.

Location: 16301 SE Division Street

Legal: Tax Lot '18', Section 6, 1S-3E
1987 Assessor's Map

Site Size: 10.62 Acres

Size Requested: Same

Property Owner: Portland Lutheran Association for
Christian Education
16301 SE Division Street, 97236

Applicant: Same

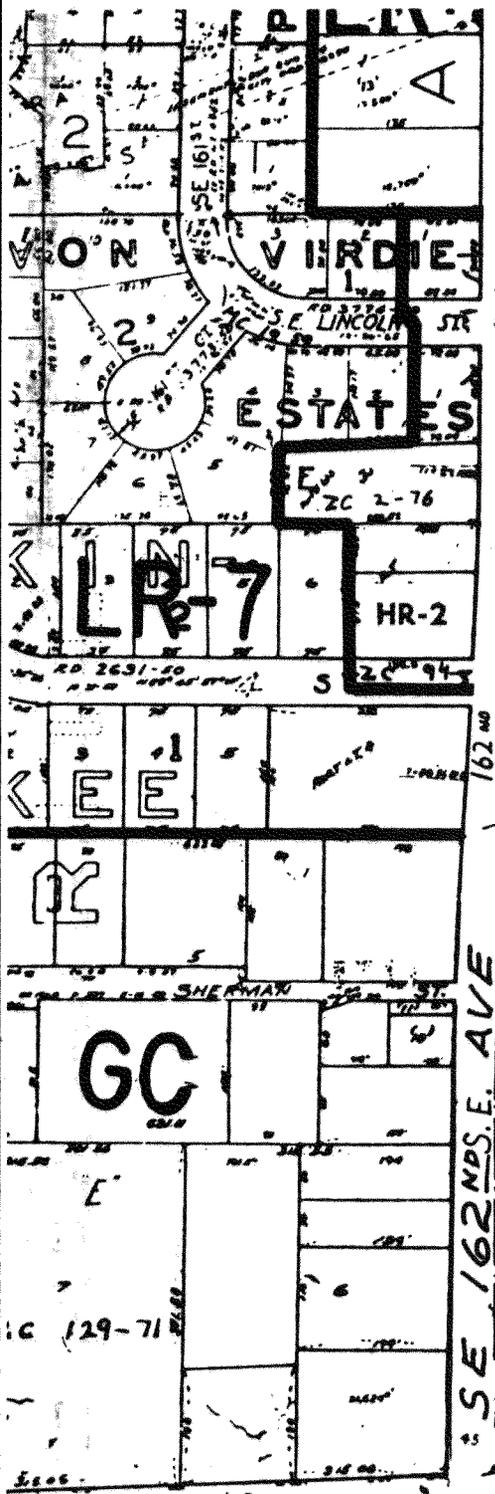
Comprehensive Plan: General Commercial

Present Zoning: GC, C-S, Urban General Commercial
Community Service District

Community service designation shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

PLANNING COMMISSION
DECISION:

Approve expansion of the school use of this property from a grade 9-12 program to a K-12 program plus extended care for children 5-12 years of age for a maximum staff and student population of 430, based on the following Findings and Conclusions.



LR-5

LR-7

MR-4

north



CASE:..... CS 02-88

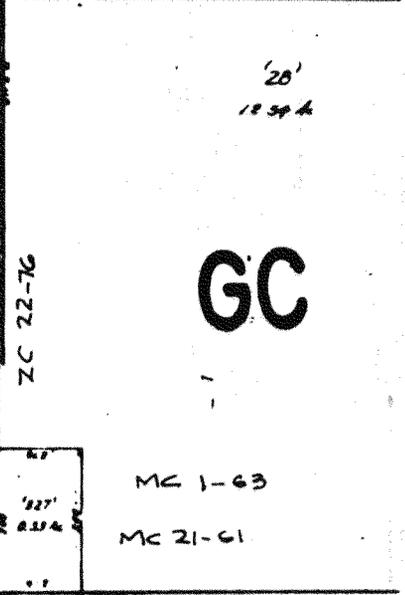
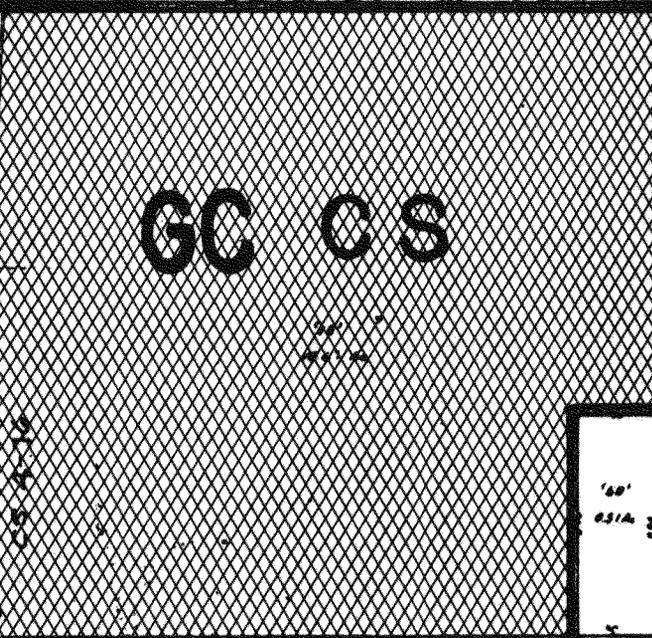
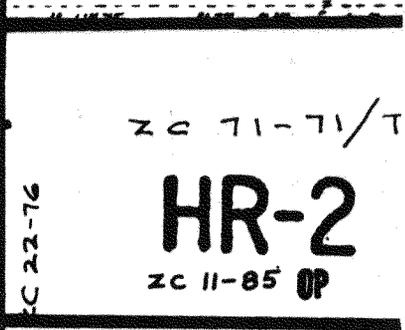
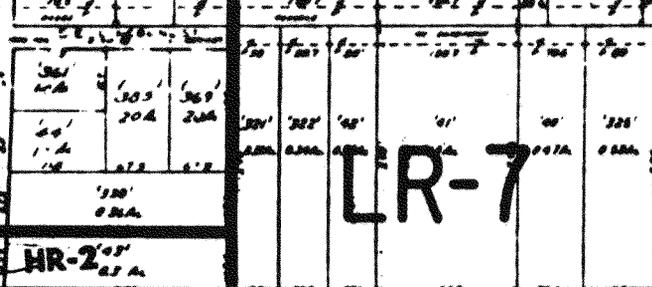
1/4 SEC MAPS:..... 3246, 3247, 3346, & 3347

SITE LOCATION:.. SW 1/4 SEC 06, T1S, R3E, WM

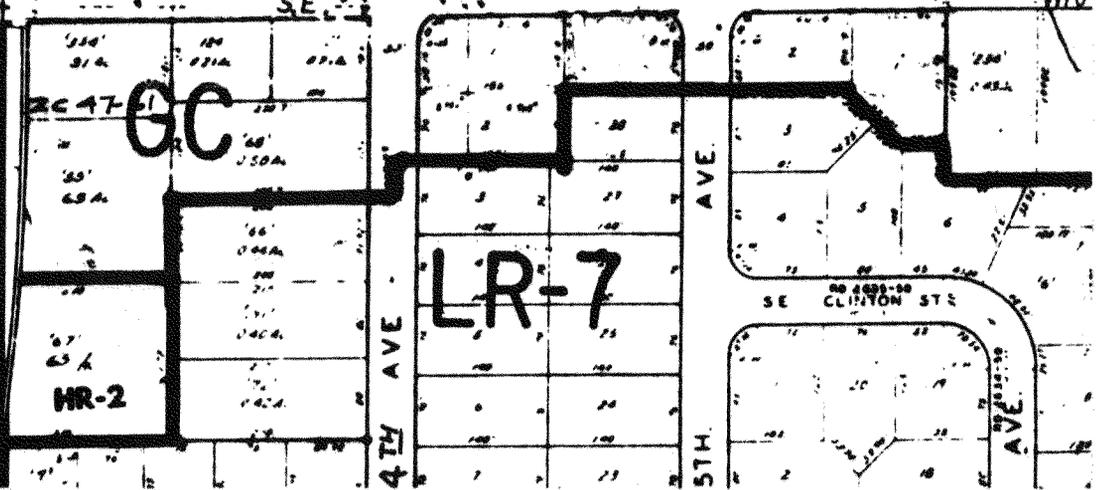
SZM's Shown:.... 401, 504, 409, & 510

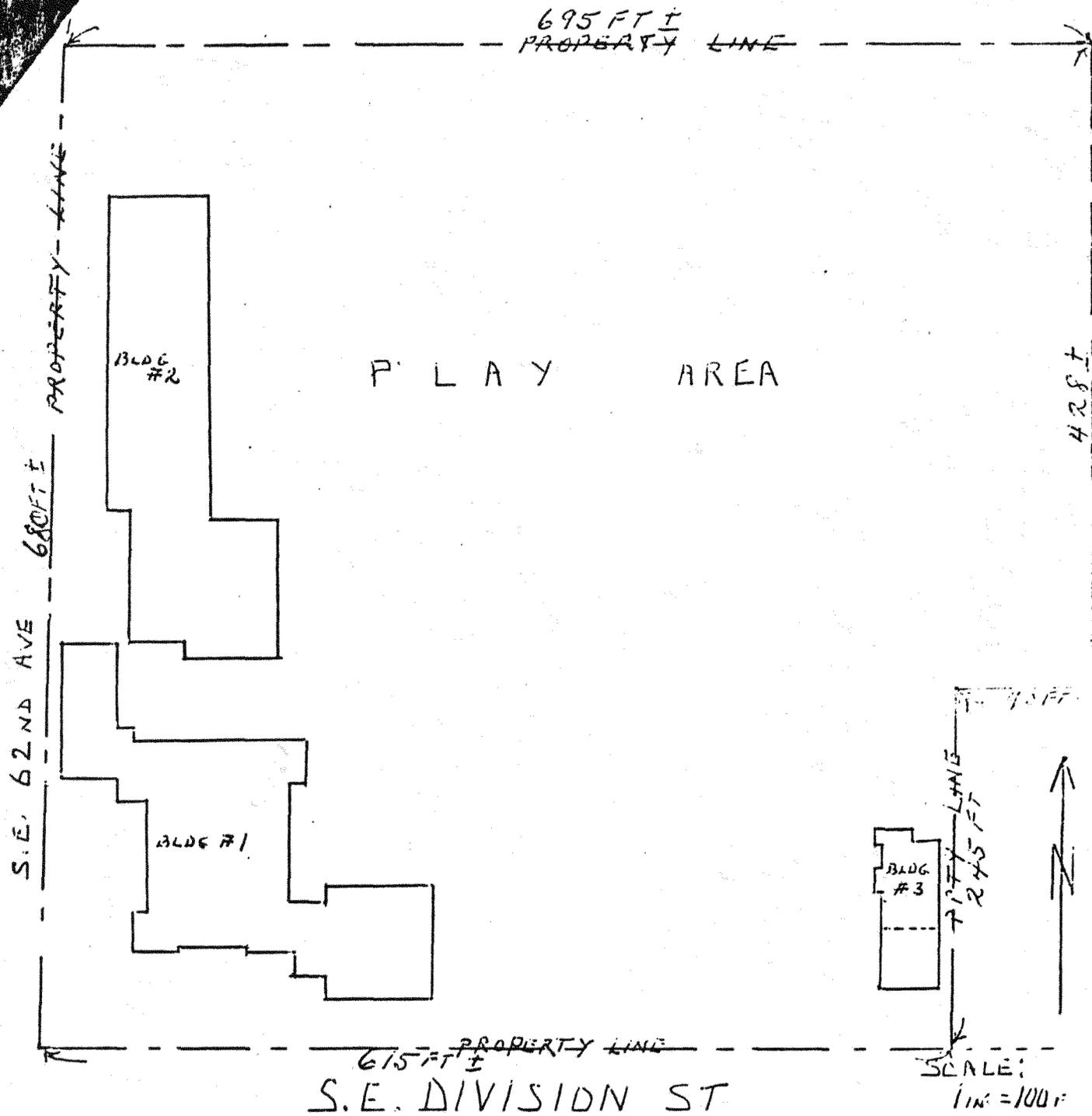
MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring denotes maps within which the subject property appears.



SE DIVISION ST





PLOT PLAN OF LYNCH SCHOOL



C. C. DAWELL I. F. A. C.
 PROFESSIONAL APPRAISER
 MORTGAGE BANKER

Location Map

Findings of Fact.

1. Applicant's Proposal.

Applicant requests expansion of the existing Community Service school use of this property from the previously approved grades 9-12 program to a K-12 program with an extended care program for children 5-12 years of age.

2. Ordinance Considerations.

The burden is on the applicant requesting approval of an expansion of a Community Service use to demonstrate that the proposed expansion:

- (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; and
- (G). Will satisfy the applicable policies of the Comprehensive Plan.

3. Site and Vicinity Characteristics.

This property is located at the northeast corner of the intersection of SE 162nd Avenue and SE Division Street. The property was originally used as an elementary school by Lynch School District and has, since 1976, been used by the Portland Luthern Association as a parochial school. The property is fully developed with all necessary facilities for the proposed class expansion, and has several acres of play area available for the children.

The other three corners of the intersection are developed with commercial uses (e.g., gas station, grocery store and convenience market). There are additional commercial uses both east and west of the site along SE Division Street. The Rose Moyer Theatre complex abuts the property on the east. North along SE 162nd Avenue the property is developed with residential uses.

4. Compliance with Ordinance Criteria.

This proposal satisfies the applicable Approval Criteria for an expansion of a Community Service Use as follows:

A. Consistency with Character of Area.

This property has been continuously used for school purposes since prior to the adoption of zoning for Multnomah County in 1956. The surrounding commercial and residential areas have largely developed around the school and no compatibility problems have been reported. Inclusion of the additional grades and the extended care facility within a complex capable of accommodating the additional students should not reduce the compatibility of the school with the surrounding area.

B. Natural Resources and Farm and Forest Uses.

There are no natural resources which have been identified that would be imported by this expansion. There are no farm or forest uses which would be imported by the use.

C. Public Services.

All public services necessary to support the proposed expansion are currently available to the property.

D. Big Game Habitat.

The property is not within a big game winter habitat area.

E. Hazardous Conditions.

This property was originally designed and constructed for school use. It has operated as such for a number of years without the identification of any hazardous conditions. There are no hazardous conditions that have been identified that would result from the proposed expansion.

F. Comprehensive Plan Policies.

The following policies of the Centennial Community Plan are found to apply to this request:

a). No. 13 - Air, Water and Noise Quality.

School uses have not been demonstrated to have adverse impacts on air or water quality. The ten-acre parcel provides sound buffering from any noise generated from surrounding properties.

b). No. 22 - Energy Conservation.

This expansion would provide user-energy conservation by providing school and day care at one location; thereby, eliminating possible trips to several locations to receive those services.

c). No. 23 - Redevelopment.

This proposal will allow full utilization of the existing facilities on-site.

d). No. 31 - Community Facilities and Uses.

This proposal qualifies as a Minor community facility and satisfies the Locational Criteria for same as follows:

1. Slope - the slope of the property is less than the ten percent maximum allowed.
2. Access - the property is at the intersection of two major arterials and no traffic will be routed through local neighborhoods. Such location will not result in a dangerous intersection or traffic conjection.
3. Size - This ten-acre property can adequately accommodate the space requirements of a school with maximum staff and student population of 430.

Conclusions.

1. The applicant has carried the burden necessary for granting approval of an expansion of a school use to K-12 plus an extended care program for children 5-12 years of age.

Signed May 9, 1988

By Ruth Spetter, sc
Ruth Spetter, Chairman

May 19, 1988

Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

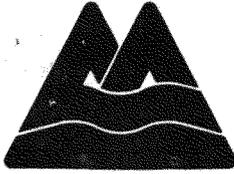
The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0852P

Decision
May 9, 1988

4 of 4

CS 2-88
END



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

CS 3-88, #504
HV 5-88, #504

Community Service Request
Front Yard Setback Variance
(Fourteen-Unit Recreational Vehicle Park)

Applicants request change in zone designation from MR-3, medium density residential to MR-3, C-S, community service, to develop a 14-unit recreational vehicle park in conjunction with an existing mobile home park. Applicants further request a ten-foot front yard setback variance to reduce the front yard setback from 30 to 20 feet.

Location: 16815 SE Division Street

Legal: Tax Lot '29' and South 185' of Tax Lot '513',
Section 6, 1S-3E, 1987 Assessor's Map

Site Size: 185' x 1235'

Size Requested: Same

Property Owner: George Albert / Herman Rubin
10900 Los Alamitos Blvd., #145
Los Alamitos, CA 90720

Applicant: Same

Comprehensive Plan: Medium Density Residential

Present Zoning: MR-3, Urban Medium Density Residential District
Density range from 8.1 to 16.1 dwelling units per square acre

Sponsor's Proposal: MR-3, C-S, Urban Medium Density Residential,
Community Service District

Community service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority

PLANNING COMMISSION
DECISION:

Approve request for a change in zone designation from MR-3 to MR-3, C-S, community service, for development of the above described property with a 14-unit recreational vehicle park; Approve requested ten-foot front yard setback variance, all based upon the following Findings and Conclusions.

MR-4

CASES:..... CS 03-88 & HV 05-88

1/4 SEC MAPS:.... 3247 & 3347

SITE LOCATION:.. SW 1/4 SEC 06, T1S, R3E, WM

SZM's Shown:... 504 & 510

MAP SCALE:..... 1 inch to 200 feet

NOTE: Underscoring denotes maps within which the subject property appears.

LR-7

MR-4

MR-3

HR-1

HR-2 OP

GC

GC

GC

HR-1

LR-7

LR-7

ZC 59-62

ZC 71-71/1

ZC 11-85

MC 1-63

MC 21-61



DIVISION
DIVISION

ST.

SE 168th AVE

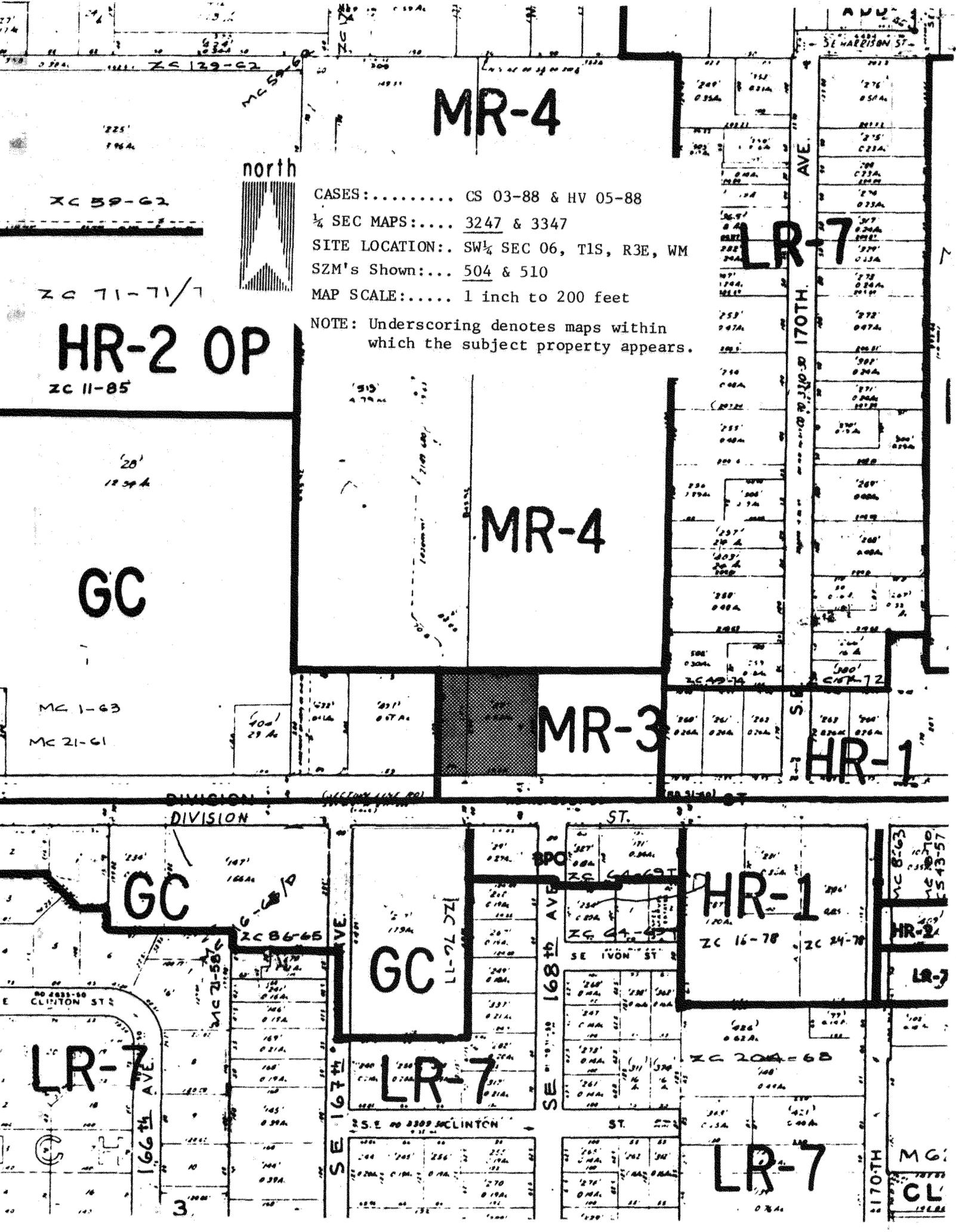
166th AVE

SE 167th AVE

ST.

170th

MG
CL
15.86



Findings of Fact.

1. Applicant's Proposal.

Applicant proposes to develop this 123.5' x 185' site, plus a portion of the adjacent property to the west to accommodate 14 overnight trailer spaces. This use will be operated in conjunction with the existing mobile home park to the west which is under the same ownership.

The property is zoned MR-3, urban medium density residential, which allows a mobile home park as a conditional use, but the applicant requests approval of an RV park under Section 11.15.7020(A)(2) of the Community Service provisions. The applicant also requests a ten foot front yard variance to allow the park to be located twenty feet from SE Division rather than the thirty feet as required for Community Service areas.

The proposed plan is to provide a central drive through the property from the existing mobile home access. The existing property used as access is 50'0" in width and provides ample vehicular access for both the existing park and the proposed new development.

Seven 20' x 50' overnight spaces would be provided on the easterly side of the new access and seven 20' x 67' drive through spaces would be developed between the new drive and the existing drive to the west. The park would have a 20'0" landscaped setback from SE Division Street and interior landscaping for each trailer pad that will exceed Code requirements.

2. Site and Vicinity Information.

The requested site has 26,000 square feet. It is located on the north side of SE Division Street. It is surrounded on three sides by two large mobile home parks, one of which is owned by the applicant. Property on the south side of SE Division is used for office and commercial purposes.

The site currently has a single family dwelling on it, which would be removed. It is level and has some trees, some of which will be retained as permitted by the development.

3. Ordinance Considerations. (Community Service Un)

Section 11.15.7015 of the Zoning Code provides that the approval authority must find that a request for an RV park complies with the following Approval Criteria:

a. Is Consistent with the Character of the Area.

The site is located on a major arterial and the property is surrounded on three sides by mobile home parks. Other mobile home parks exist nearby on the south side of SE Division Street.

b. The Use Will Not Adversely Affect Natural Resources.

The proposed change from a single family dwelling site to a 14-space overnite mobile home park will not adversely affect any natural resource currently known. The site is currently developed with a single family dwelling and the development of the RV park on the site will not adversely affect natural resources.

c. Will Not Conflict with Farm or Forest Uses in the Area.

This site is located in a built-up urban area and there are no farm or forest lands in the vicinity.

d. Will Not Require Public Services other than those Existing or Programmed for the Area.

The proposed RV park will not add any burden to existing services in the area. The site fronts a major arterial. Water, electricity and other urban services are readily available to the site and sewer facilities are planned. The use will not require any services not presently available.

e. Will be located Outside a Big Game Winter Habitat Area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

This provision does not apply to this property since the area is urban and not near a big game winter habitat area.

f. Will Not Create Hazardous Conditions.

The proposed RV park will comply with all traffic and other public agency requirements. The use will not generate any hazardous conditions. No new access to SE Division Street is planned.

g. Will Satisfy the Applicable Comprehensive Plan Policies.

1). Policy No. 13 (Air, Water and Noise Quality).

Development of this 14-space RV park will not impair the quality of the air or water in the area. There will be no noise above the sound of the vehicle moving in and out of their spaces.

2). Policy No 14 (Development Limitations).

There are no developmental limitations in connection with the proposed use.

3). Policy No. 15 (Natural Resources).

The only known natural resource in the area is a probable bed of gravel below this property. Because of the urbanization of the area, the gravel can no longer be mined economically. Therefore, there are no natural resources available to the site.

4). Policy No. 21 (Housing Choice).

The development of a RV park offers an alternative housing choice to the traveling public. Currently the applicant knows of only two other RV parks available to the public, one at NE 202nd and Sandy Blvd. and the other one on Hayden Island.

5). Policy No. 37 (Utilities).

No extensions or enlargement of any public facilities is required to serve this use.

6). Policy No. 38 (Facilities).

All required facilities are available to the public utilizing the RV park. The site is located in an urban area providing all services.

4. Ordinance Considerations (Variance).

The applicant provides the following argument in support of the requested ten foot front yard variance:

A recreational vehicle park is classified by the Zoning Code as a Community Service use and as such, is subject to the 30'0" front yard requirement of the other uses in the Community Service Section, such as churches, libraries, governmental buildings and other such structures which normally provide greater setbacks because of the size of the structures and the required "setting" for such structures.

At the same time, the Ordinance classifies mobile home parks as Conditional Uses in the medium density residential districts, MR-3 and MR-4. Required front yard setbacks in the two districts are the same as other uses in the district or 20'0".

The requested property is zoned MR-3 and the basic front yard setback is 20'0". If the property were developed with a mobil home park or any other permitted MR-3 use, the setback would be 20'0".

A 30'0" setback is only because the recreational park is classified as a Community Service Use.

The Planning Commission may permit and authorize a variance to allow a 20'0" front yard for the proposed use when substantially all of the following conditions and facts are found to exist:

- A. Unusual circumstances or conditions apply to the property or the intended use that do not apply generally to other property in the vicinity or district.

The applicant's property is located on the north side of SE Division Street, a major east/west arterial connecting Portland and Gresham. The site is relatively small and surrounded on three sides by two large mobile home parks.

The first property west of the site is a restaurant located 20'0" or less from SE Division Street. Property to the east is developed with a mobil home park. The Division Street frontage is developed with a circular driveway to facilitate entrance to the court.

SE Division Street was widened to its present four lanes in 1956. Frontage was purchased from both sides of the street, leaving nearly all buildings in this urban area of the street with setbacks ranging from 0 to 20'0". To require a 30'0" setback on this small piece of property 123 feet in width constitutes unusual circumstances applying to this property that do not apply generally to other property in the vicinity.

- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the vicinity.

As stated above, most properties on both the north and south side of SE Division Street presently enjoy setbacks ranging from none to 20'. Required setbacks range from none in commercial districts to 20'0" in residential zones. No properties require 30'0" setbacks in the vicinity.

- C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Properties in the vicinity of the applicant's site are all urban in character and for the most part, are fully developed. As stated above, there are not 30'0" required yards in the area. Therefore, there will be no injury to property nor will the variance, if granted, be detrimental to the public welfare.

- D. The granting of the variance will not adversely affect the realization of the Comprehensive Plan since no segment of the Comprehensive Plan calls for or requires a 30'0" setback in this area of the County. The maximum required setback is 20'0" which is the setback requested by the applicant.

Denying the applicant's request will decrease the value of the applicant's property by reducing the number of RV spaces it can support and would deprive the applicant of a property right he otherwise would have.

Conclusion.

1. This property satisfies the approval criteria for a recreational vehicle park in the MR-3 district as demonstrated by Finding No. 3. The applicant has also demonstrated that unusual circumstances apply to this property that support the requested ten foot front yard setback variance.

Signed May 9, 1988

By *Ruth Spetzer, ps*
Ruth Spetzer, Chairman

May 19, 1988

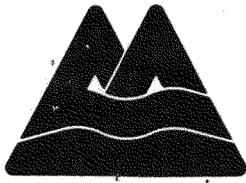
Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0853P



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of

IN THE MATTER OF:

CU 9-88, #658/#661

Conditional Use Request
(Expansion of Produce Roadside Stand)

Applicants request conditional use approval to expand an existing roadside produce stand with a 24' x 36' addition. The major portion of the building would house a walk-in cooler.

Location: 34926 East Crown Point Highway

Legal: Tax Lot '66', Section 34, 1N-4E
1987 Assessor's Map

Site Size: 5 Acres

Size Requested: Same

Property Owner: Henry/Marie Schwartz
34926 East Crown Point Highway, Corbett, 97019

Applicant: Same

Comprehensive Plan: Exclusive Farm Use

Present Zoning: EFU, Exclusive Farm Use District
Minimum lot size as specified by the Chapter

PLANNING COMMISSION

DECISION:

Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, based on the following Findings and Conclusions.

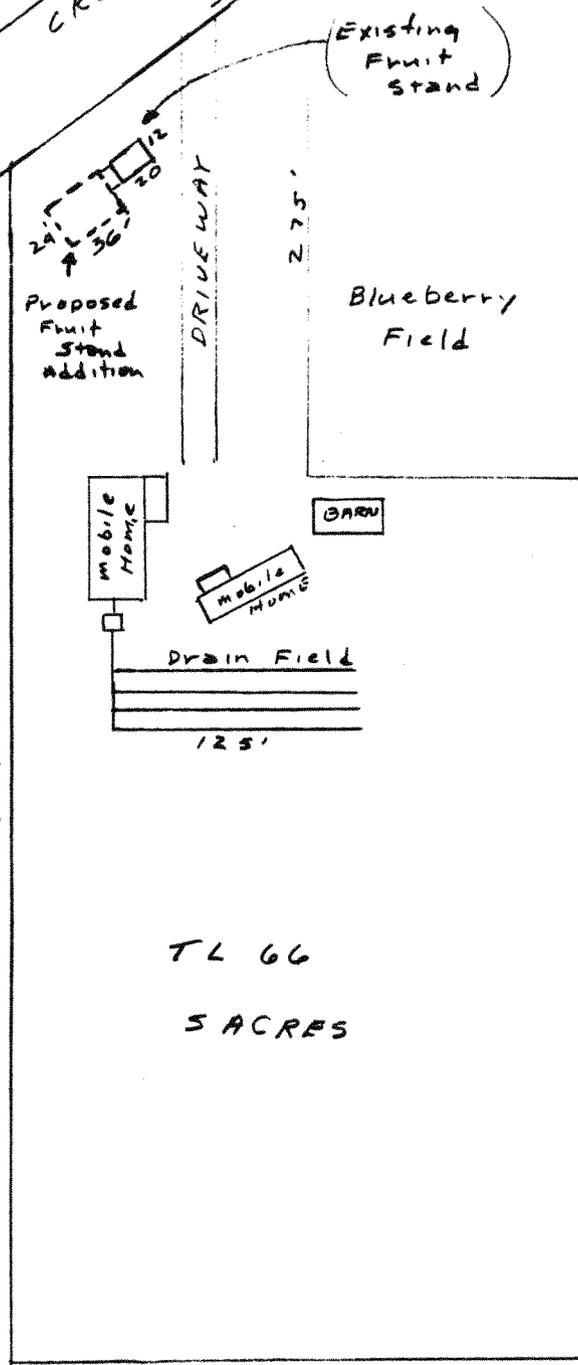
PLOT PLAN
 Henry and Marie Schwartz
 34926 E. Crown Point Hwy.
 Corbett, Ore 97019

Scale 1" = 100'

CROWN POINT HIGHWAY
 362.60'



42.381 30 SHEETS 5 SQUARE
 42.382 100 SHEETS 5 SQUARE
 42.383 200 SHEETS 5 SQUARE
 NATIONAL



Legal Description
 TL66 TIN R4E Sec 34
 Multnomah County,
 OREGON

5 ACRES

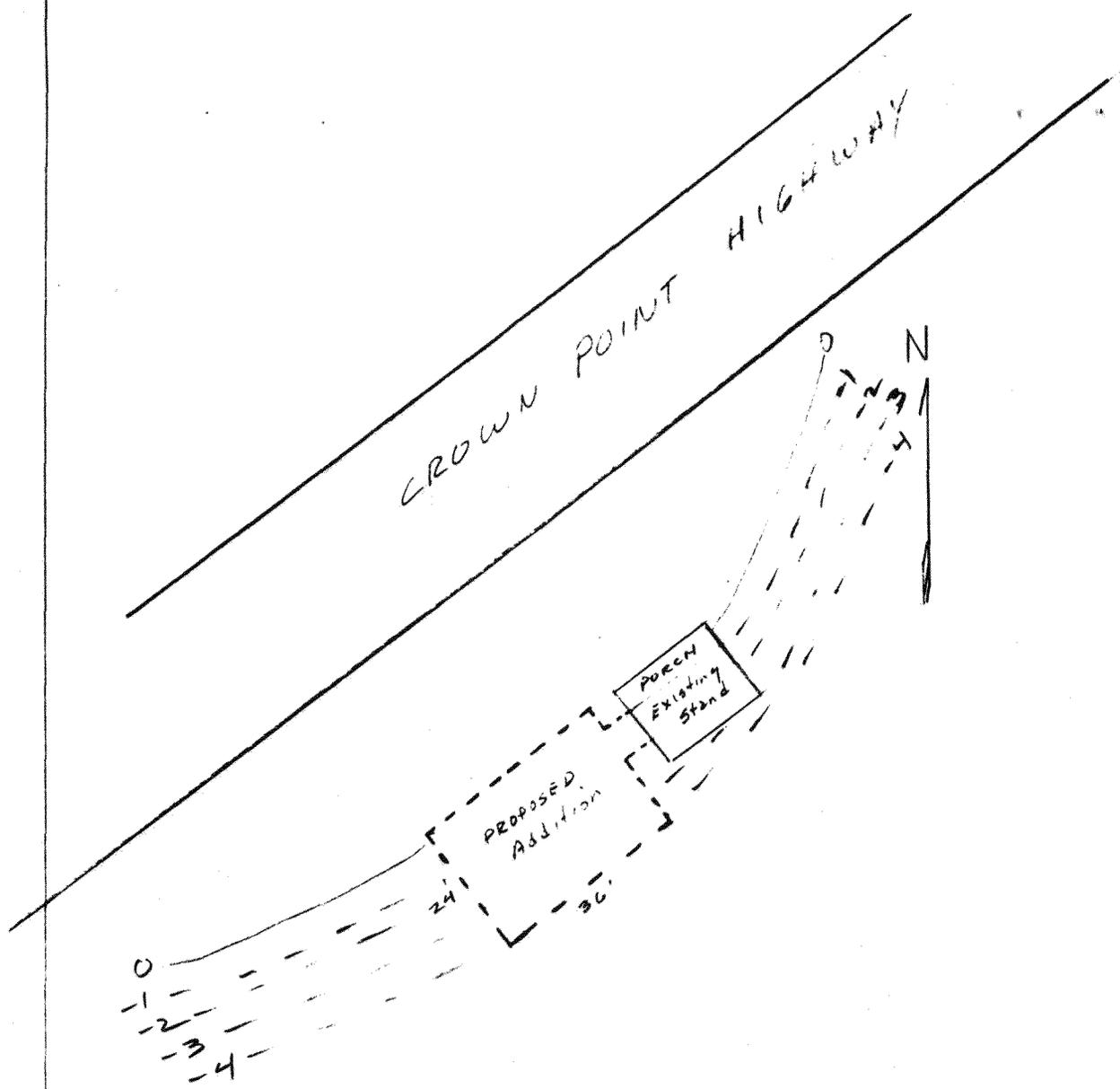
TL 66
 5 ACRES

843.81

627'

296.30'

41,881 50 SHEETS 2 SQUARE
42,882 100 SHEETS 3 SQUARE



Supplement to Plot Plan
TL 46 Sec 34 T1N R3E W.111.
Henry and Marie Schwartz
34926 E. Crown Point Hwy.
Corbett, Ore 97019

Scale 1" = 30'

Contours 1'

Conditions of Approval.

1. Meet design review requirements. For more information, contact Mark Hess at 248-3047.
2. Sales shall be limited to agricultural products, primarily those raised on the subject property or on other farms in the immediate vicinity, which has been defined as a five-mile travel radius. However, agricultural products sold may include a small number of items such as apples and cherries from areas such as the Hood River Valley and The Dalles.
3. Obtain written confirmation from the Oregon State Highway Division that access from the subject property to and from East Crown Point Highway will be adequate in light of the proposed new building. Obtain approval from the Columbia River Gorge Commission.

Findings of Fact.

1. Applicant's Proposal.

The applicants presently operate a produce stand on the subject property between the months of May and September. Items sold that are raised on the subject property include raspberries, blueberries, nectarberries, currants, gooseberries, corn and tomatoes. The applicants have also sold other types of berries and vegetables from other farms in the area and have also sold apples and cherries from the Hood River Valley and The Dalles. At this time, the applicant proposes to construct a second building next to the existing stand. The new building would be 24' x 36' (864 square feet) in size. The existing building is 10' x 20' (200 square feet) in size. The new building is proposed to house a large walk-in cooler which would take up about one-third of the floor area. Like the existing building, the new building is proposed to be of frame construction with textured plywood with exterior siding.

2. Site and Vicinity Information.

The site is located at 34926 East Crown Point Highway, approximately 300 feet east of NE Curtis Drive in the Corbett area and contains five acres. The site is zoned EFU, exclusive farm use district. Land to the north, across Crown Point Highway, is zoned MUF-19, multiple use forest district, as is land to the south. Land to the east is also zoned EFU. Parcel sizes in the immediate vicinity are mixed, ranging in size from about two acres on land to the west to 115 acres on land to the north. The subject property is located less than one-half mile west of the Corbett business district.

3. Zoning Ordinance (MCC 11.15) Considerations.

- A. The site is zoned EFU, exclusive farm use district. Land to the west is zoned RR, rural residential district. This zone allows "commercial activities that are in conjunction with farm use" as conditional uses under MCC 11.15.2012(B)(1).

- B. In approving a Conditional Use listed in this Section, the approval authority 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; and
 - (g). Will satisfy the applicable policies of the Comprehensive Plan.

4. Compliance with Ordinance Criteria.

(A). Consistency with Character of the Area.

The operation and proposed expansion of the stand complies with MCC 11.15.7120(A). Although the stand has operated since 1982, it appears to have had no adverse effect on nearby properties. The sale of fruits and vegetables grown on the subject property and on other farms in the vicinity is less intensive in nature than the commercial uses located in the Corbett business district to the east. The sale of agricultural products is compatible with the predominantly rural character of the Corbett community. The sale of agricultural products from roadside stands is a common type of commercial activity along the Columbia River Scenic Highway. Produce stands such as the stand under consideration have been deemed appropriate for the Gorge area in a March, 1988 economic study prepared for the Columbia River Gorge Commission by Dean Reuyann Associates.

Since the site is within the General Management Area of the Columbia River Gorge National Scenic Area, the proposal is subject to review and approval by the Columbia River Gorge Commission. The Director will make a decision on the proposal on or before June 6, 1988. A Gorge Commission Staff member has advised staff that there appears to be no problems with the proposal, subject to the limitation on goods sold as contained in Approval Condition No. 2.

(B). Effect on Natural Resources.

The proposal complies with MCC 11.15.7120(B) in that it will not adversely affect natural resources. The retail activity is limited to the sale of agricultural produce that is grown primarily on the subject property. There are no aggregate resources, energy resources, water sheds, fish or wildlife habitat, wetlands or other natural resources in the immediate area of the proposal.

(C). Avoidance of Conflict with Farm or Forest Uses in the Area.

Subject to Approval Condition No. 2, the proposal complies with MCC 11.15.7120(C) in that it will not conflict with farm or forest uses in the area. Based upon information furnished by the applicant, items sold consist of fruits and vegetables grown on the subject property, on other farms in the immediate vicinity, and in some cases, farms and orchards as far away as The Dalles or the Hood River area. The relatively limited scale of the commercial activity is such as not to conflict with the raising of agricultural crops on the subject property and land to the east, or the growing of trees on land to the north or south.

(D). Requirement for Additional Public Services.

The existing produce stand is 200 square feet of floor area and the proposed new building will contain an additional 864 square feet of floor area. The subject property presently has water, electric and telephone service. No additional services will be required as a result of the new building. However, it will be necessary for the applicant to furnish written confirmation from the State Highway Division that access from the stand to the highway meets applicable State standards. The applicant obtained an "approach road" permit from the State Highway Division for the original stand in July, 1982 (Permit No. 27745).

(E). Fish and Wildlife Considerations.

The proposal complies with MCC 11.15.7120(E) in that the subject property is not located within a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

(F). Creation of Hazardous Conditions.

The proposal complies with MCC 11.15.7120(F) in that it will not create any hazardous conditions, subject to Approval Conditions No. 1 and 3. Adequacy of parking for the new building will be determined through the County's design review process. The State Highway Division will review adequacy of the existing highway approach in light of the proposed new building.

(G). Compliance with Comprehensive Plan Policies.

Comprehensive Plan Policy No. 9 addresses agricultural land areas. One of the strategies of this Policy is to make provision for retail sales of farm products in the EFU district. Approval of the subject proposal is consistent with that strategy.

Conclusions.

Finding No. 4 indicates that the Approval Criteria of MCC 11.15.7120 are met, subject to the Approval Conditions stated.

Signed May 9, 1988

By *Ruth Spetter, Jr.*
Ruth Spetter, Chairman

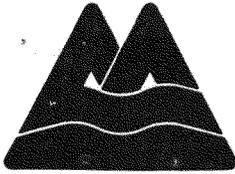
May 19, 1988
Date Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Tuesday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0855P



MULTNOMAH COUNTY OREGON

Department of Environmental Services/Division of Planning and Development/2115 S.E. Morrison St./Portland, Oregon 97214 • 248-5270

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

Meeting of May 9, 1988

IN THE MATTER OF:

MC 1-88, #399

Change in Pre-Existing Use
(Limousine Service with Office and Warehouse)

Applicants request a change in a pre-existing use, from the present auto body and repair shop to a site for limousine service, consisting of an office and a warehouse, where the limousines would be parked. The site will be improved with paving and landscaping.

Location: 13635 SE Division Street

Legal: Except the South 15' in the Road,
South 120' of East 58' of West 131.5' of Lot 18
Taylors Subdivision, 1987 Assessor's Map

Site Size: 58' x 105'

Size Requested: Same

Property Owner: Maryjane Setterlund
PO Box 305, Terrebonne, Oregon 97760

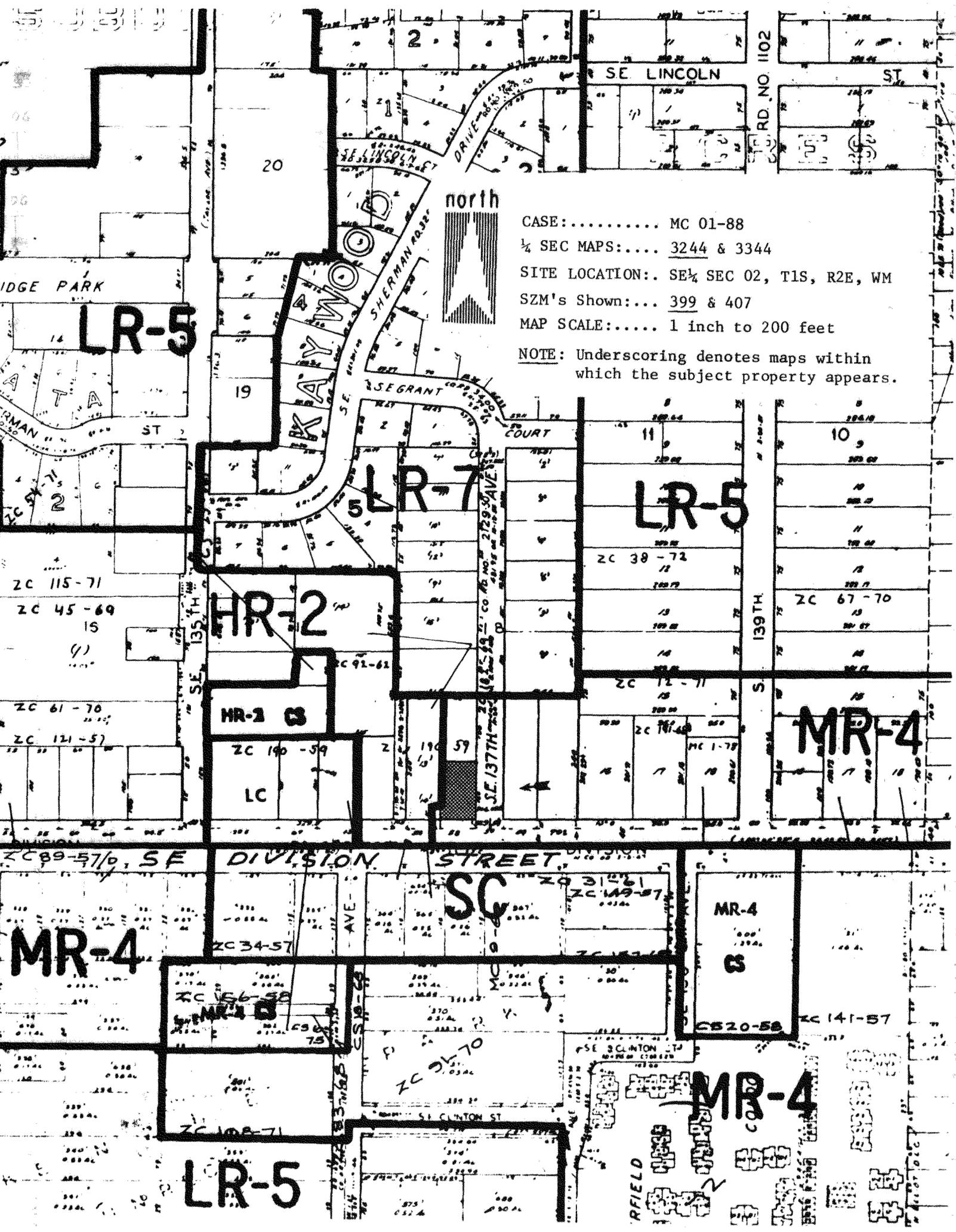
Applicant: John/Alma Rudisill
1244 NE 153rd Avenue, 97230

Comprehensive Plan: Medium Density Residential

Present Zoning: MR-4, Urban Medium Density Residential District
Density range from 7.2 to 10.9 units per acre

PLANNING COMMISSION
DECISION:

Approve, subject to a condition, change in pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, based on the following Findings and Conclusions.



CASE:..... MC 01-88
 ¼ SEC MAPS:.... 3244 & 3344
 SITE LOCATION:.. SE¼ SEC 02, T1S, R2E, WM
 SZM's Shown:.... 399 & 407
 MAP SCALE:..... 1 inch to 200 feet
 NOTE: Underscoring denotes maps within
 which the subject property appears.

LR-5

LR-7

LR-5

HR-2

MR-2

LC

MR-4

MR-4

SC

MR-4

LR-5

MR-4

EDGE PARK

SE LINCOLN ST

north

SE GRANT COURT

SHERMAN ST

SE DIVISION STREET

RD. NO. 1102

139TH

RIEFLD

20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2

ZC 115-71
ZC 45-69
ZC 61-70
ZC 121-57

ZC 39-72
ZC 12-11
ZC 141-57

ZC 67-70

ZC 91-61

ZC 34-57

ZC 56-58

ZC 108-71

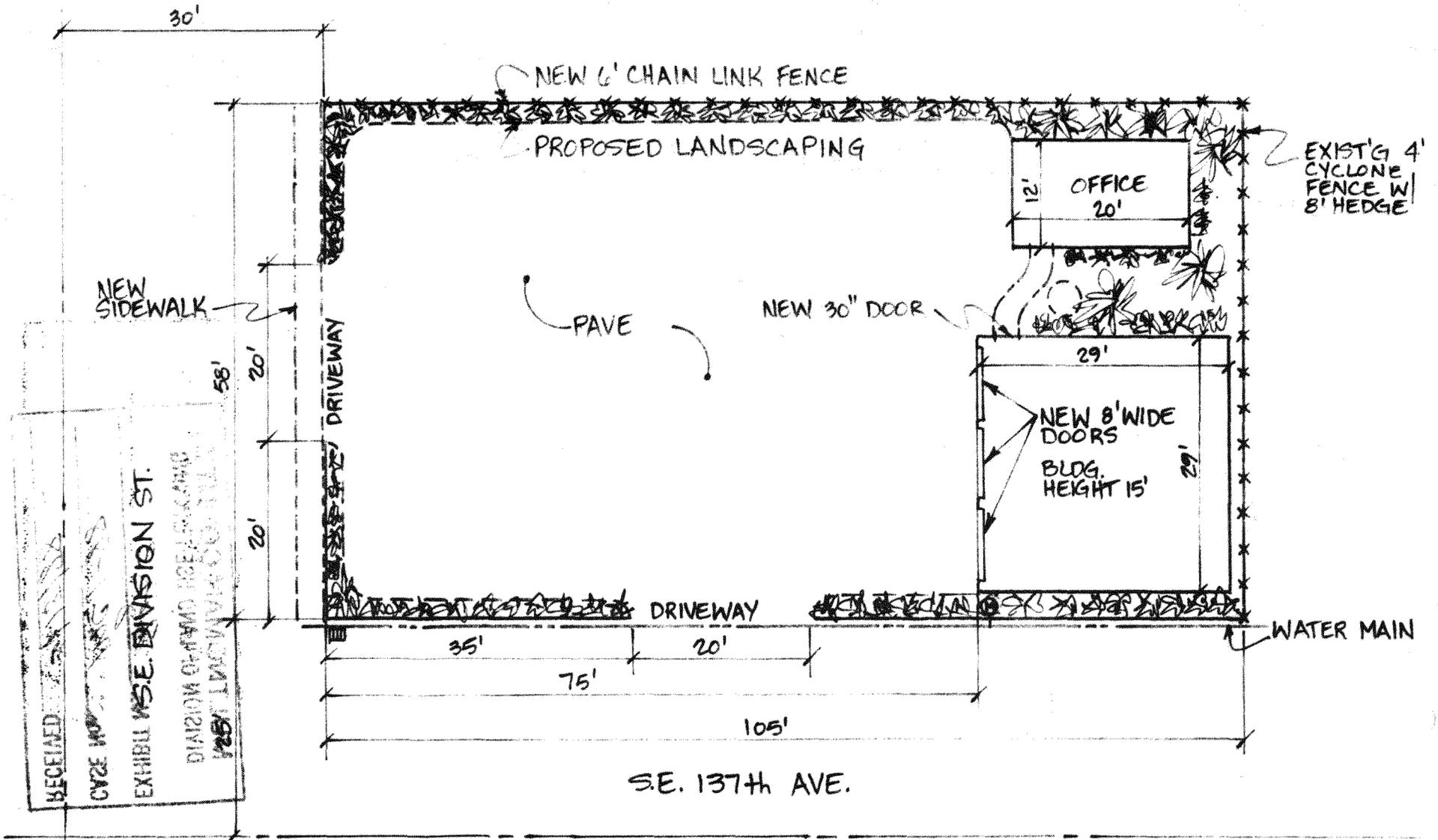
ZC 91-70

CS 20-58

ZC 141-57

SE CLINTON ST

SE CLINTON

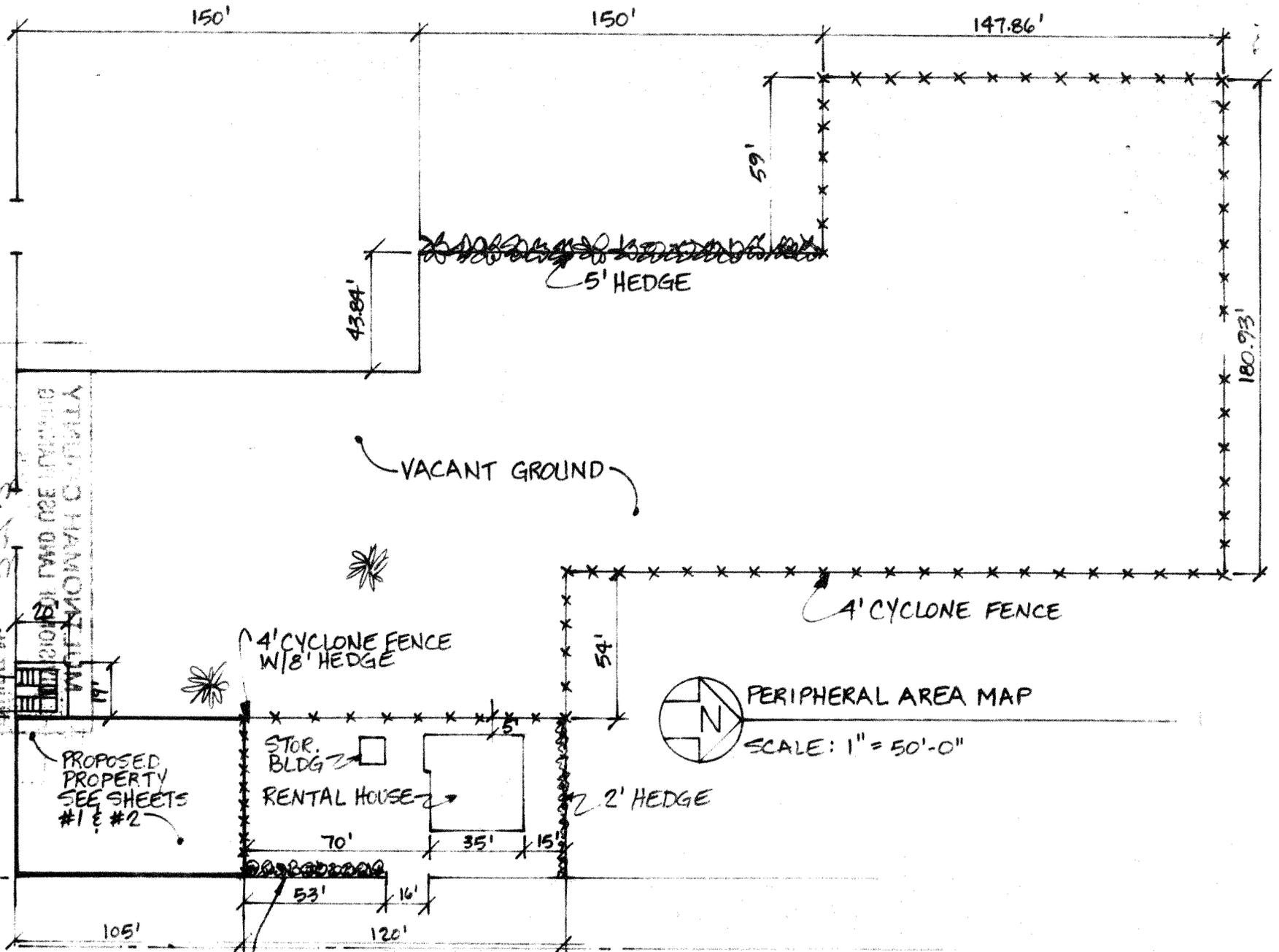


RECEIVED
CYZE W...
EXHIBIT WSE. DIVISION ST.
DIVISION OF LAND USE PLANNING
12851 PACIFIC AVENUE, SUITE 100
SEASIDE, CA 92138



PROPOSED SITE & BUILDINGS PLAN
SCALE: 1/16" = 1'-0"

SE. DIVISION ST.



VACANT GROUND

4' CYCLONE FENCE W/ 8' HEDGE

4' CYCLONE FENCE

PERIPHERAL AREA MAP
SCALE: 1" = 50'-0"

2' HEDGE

PROPOSED PROPERTY
SEE SHEETS #1 & #2

STOR. BLDG
RENTAL HOUSE

8' HEDGE

SE. 137th AVE.

Condition of Approval.

Prior to the issuance of development permits, the applicant shall satisfy the applicable requirements of design review regarding paving, landscaping and signage.

Findings of Fact.

1. Applicant's Proposal.

Applicant requests approval to change the pre-existing use of this property from the present auto body and repair shop to a limousine service, consisting of a storage building and office.

2. Ordinance Considerations.

The burden is on the applicant for a change in a pre-existing use to demonstrate that the proposed change will affect the surrounding area to a lesser negative extent than the current unlisted use, considering:

- A. The character and history of the use and of development in the surrounding area;
- B. The comparable degree of noise, vibration, dust, odor, fumes, flare or smoke detectable at the property line;
- C. The comparative numbers and kinds of vehicular trips to the site;
- D. The comparative amount and nature of outside storage, loading and parking;
- E. The comparative visual appearance;
- F. The comparative hours of operation;
- G. The comparative effect on existing vegetation;
- H/ The comparative effect on water drainage;
- I. The degree of service or other benefit to the area; and
- J. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

3. Site and Vicinity Characteristics.

This property is located on the northwest corner of the intersection of SE 137th Avenue and SE Division Street. The property is currently developed with a garage and accessory building and an unpaved parking lot.

Properties on the south side of SE Division Street are developed with a variety of commercial uses, as are the majority of those on the north side. The northeast corner of the intersection of SE 137th and Division is used for single family residential purposes

4. Compliance with Ordinance Criteria.

This proposal satisfies the Approval Criteria for a change in a pre-existing use as follows:

- A. The surrounding area consists of businesses and vacant property. Within 500 feet east, west or south there is a Dairy Queen Drive-Up restaurant, plumbing business, printing shop, carpet store, pet store, gun repair and a metal detector store. Therefore, this business should will fit in well with the existing businesses.
- B. The degree of noise, fumes or odors will be almost negligible. Limousines are one of the quietest of automobiles. There will be no major repairs or body repairs, etc. done at this location.
- C. The number of vehicular trips to the business will be minimal. On occasion clients will stop at the site to inquire about services. Most of the business is conducted over the telephone or by mail.
- D. Outside storage or loading will be minimal. Limousines are kept inside as much as possible due to weather conditions and for security purposes.
- E. Presently there is no landscaping or paving on the property. The applicant would landscape, pave and fence property conforming to the surrounding businesses. They also would install a security alarm system.
- F. Office hours would be approximately 10:00 a.m. to 8:00 p.m. six days a week.
- G. This business would be a benefit to the area because of the proposed site improvements. The business also intends to do fund raises for surrounding high schools, junior highs and churches. They will be involved in Christmas light tours for retirement homes.

Conclusion.

Finding No. 4 demonstrates that the proposed limousine service will have a less negative impact on the surrounding area than the existing auto body and repair facility. Therefore, the proposal satisfies the approval for a change in a pre-existing use.

Signed May 9, 1988

By *Ruth Spetter, PC*
Ruth Spetter, Chairman

May 19, 1988

Filed with the Clerk of the Board

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submitted written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision, may file a Notice of Review and pay the required filing fee with the Planning Director on or before 4:30 p.m., Monday, May 31, 1988 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision for this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, June 7, 1988 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Division of Planning and Development at 248-5270.

0854P

BEFORE THE STEERING COMMITTEE OF THE
PORTLAND-VANCOUVER METROPOLITAN AREA
SOLAR ACCESS PROJECT

In the matter of proposed) RESOLUTION RECOMMENDING
Solar Access Protection Ordinances for the) ADOPTION
Portland-Vancouver Metropolitan Area) January 20, 1988 draft

WHEREAS it is state and federal policy to promote energy conservation and the use of renewable resource, and Washington and Oregon statutes authorize local governments to encourage, protect and provide solar access;

WHEREAS the comprehensive plans in the Portland-Vancouver Metropolitan Area include policies to conserve energy including, in many cases, protection of solar energy access rights;

WHEREAS traditional property law principles do not protect solar energy access in the absence of a private agreement or public law that requires such protection. Existing land use laws in the Portland-Vancouver Metropolitan Area do not protect solar energy access. Private easements and incentives in those laws to encourage the use of solar energy have not resulted in significant protection of solar energy access.

WHEREAS without protection of solar access, many opportunities to use solar energy have been lost forever and will continue to be lost in the future.

WHEREAS 22 local governments and interested agencies, firms, organizations, and individuals in the Portland-Vancouver Metropolitan Area have joined together with the goal of developing uniform land use ordinances to protect solar access throughout the area.

WHEREAS a detailed program of technical research and public involvement was conducted. The ordinances were drafted by consensus with broad and representative input from local governments and the private development community. The benefits of implementing the ordinances were determined to exceed the costs, and the ordinances were determined to comply with state and local laws and the eight design principles set forth early in the process.

NOW, THEREFORE, BE IT RESOLVED:

The Steering Committee recommends that the governments taking part in the project adopt the four model solar access protection ordinances, based on this resolution and the accompanying model findings and conclusions.

DATED this 28 day of January, 1988.

STEERING COMMITTEE
METROPOLITAN SOLAR ACCESS PROJECT

By: Richard L. Durham
Richard L. Durham, Chair



MULTNOMAH COUNTY OREGON

31-32
5160

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

GLADYS McCOY • Chair • 248-3308
PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
POLLY CASTERLINE • District 4 • 248-5213
JANE MCGARVIN • Clerk • 248-3277

June 7, 1988

Ms. Lorna Stickel, Planning Director
Division of Planning & Development
2115 SE Morrison
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held June 7, 1988, the following action was taken:

First Reading - An ordinance protecting solar)
access to new single family residential lots and)
to new and existing single family houses (C 9-86))

Commissioner Miller moved approval, and following passing of the gavel, Commissioner McCoy seconded the motion.

Barbara E. Jones, Assistant Clerk read Ordinance by title only. Copies were available to all those wishing a copy.

Mark Hess, Planning Division, presented the staff report and showed slides indicating the purpose for the ordinance which is to protect solar access property rights in the metropolitan area. He said volunteer compliance procedures are not always met, and therefore, an ordinance is needed. He explained that several jurisdiction representatives were involved in the development of the ordinances being considered by the various jurisdictions in the state, and that the ordinances provide many variances in order for property owners to meet requirements yet protect solar access rights for neighbors. (Note: Multnomah County ordinance compiled all applicable ordinances into one)

Larry Epstein, 1020 SW Taylor, explained that in order to provide an effective ordinance, a three month training session will be held for staff; and planning staff compliance monitoring will be provided for the first year.

Mr. Hess said the ordinance provides for variances in house setbacks of 25% for the front of the house, and 50% for the side and

back of the house. He discussed the kinds of shade for which protection will be provided, and said there is a suggested list of deciduous trees available to citizens which meet requirements for future trees. He listed some of the organizations who support the ordinance.

Mr. Epstein said the Metropolitan Home Builders Association supports the ordinance, but that some developers and builders do not because it is "just another government regulation". Gresham Planning Commission, on a vote of 5-4, voted against the ordinances. He named jurisdictions that have adopted the ordinances, and several who are in the process of adoption. In answer to Commissioner Castlerline's question, he replied State law applies to new development, but the County ordinance protects property owners from future trees, through the permit process. He explained there are lots of exemptions in the ordinance in order to make it make sense; but that if something is shaded prior to new development, the ordinance will not affect that problem, but addresses expected shade from future construction, and or trees.

Mr. Hess said the effective date will be September 21, 1988 in order to allow time for staff training prior to implementation.

Mr. Epstein explained, in answer to Commissioner McCoy's question, that training will take place jurisdiction by jurisdiction, and that there will be a one page summary available for training "experts". He added that the first four applications will take about 20 minutes for processing each application, but as the staff person becomes more familiar with the process, the time will be reduced to approximately five minutes per applicant. Learning is rapid, and the ordinance is easy to understand. In answer to Commissioner Miller's question, he said Bonneville Power Administration (BPA) is paying for the program. Money was available for this program, but there was not enough to give each jurisdiction the money for individual programs. BPA supports the ordinance and the training programs because a consistent program is offered for all jurisdictions of the State, thereby making it easy for builders and developers to be knowledgeable; and avoids confusion which occurs when each jurisdiction has different requirements. The intent of the Ordinance is to preserve existing solar access.

Phillip M. Barrett, Executive Director - Solar Energy Association of Oregon, testified in support of the Ordinance; and submitted a Resolution adopted by Solar Energy Association of Oregon, and an article from The Oregonian supporting Ordinance adoption.

Commissioner McCoy, Mr. Hess, and Mr. Epstein discussed the example of Commissioner McCoy's home, and how the ordinance would apply should she decide to install solar heating equipment.

Discussion was held regarding how the ordinance might apply to neighbor's trees adjacent to Commissioner Miller's property.

Mr. Epstein noted the Ordinance does not require cutting down trees, but sets height and trimming standards for future construction and trees.

Following discussion, the motion was considered, and it is unanimously

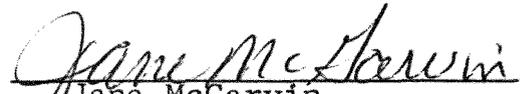
ORDERED that the first reading of the above-entitled Ordinance be approved, and that the second reading be held on June 14, 1988 at 9:30 A.M. in Room 602 of the County Courthouse.

NOTE: At the Informal Board Meeting this date, the Board agreed to change the date for the Second Hearing to June 21, 1988 at the same time and location because prior advertising had set that date.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By


Jane McGarvin
Clerk of the Board

jm

cc: County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF MULTNOMAH COUNTY, OREGON

Ordinance No. _____

*First Reading
approved
6/9/88
2nd 6/21/88*

An Ordinance protecting solar access to : new single family residential lots; and to new and existing single family houses.

Multnomah County ordains as follows:

Section 1. AMENDMENT. Multnomah County Code Chapter 11.15 is amended by the addition of new Sections .6805 through .6899, which shall provide as follows:

SOLAR ACCESS PROVISIONS FOR NEW DEVELOPMENT

11.15.6805. Purpose.

The purposes of the solar access provisions for new development are to ensure that land in the urban portions of Multnomah County is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

11.15.6810. Applicability.

The solar design standard in Section .6815 shall apply to applications for a development to create lots in LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, and R-7 zones and for single family detached dwellings in any zone, except to the extent the approval authority finds that the applicant has shown one or more of the conditions listed in Sections .6820 and .6822 exist, and exemptions or adjustments provided for therein are warranted.

11.15.6815. Design Standard.

At least 80 percent of the lots in a development subject to this Ordinance shall comply with one or more of the options in this Section.

A. Basic Requirement (See Figure 9). A lot complies with Section .6815 if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.

B. Protected Solar Building Line Option (See Figure 10). In the alternative, a lot complies with Section .6815 if a solar building line is used to protect solar access as follows:

1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat;
2. The protected solar building line for the lot to the north is oriented within 30 degrees of the true east-west axis;
3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line;
4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

C. Performance Option. In the alternative, a lot complies with Section .6815 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or
2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

11.15.6820

Exemptions from Design Standard.

A development is exempt from Section .6815 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Section .6815 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section .6815.

A. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.

B. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-site shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other document in the office of the County Recorder binding the applicant to comply with this requirement.

The county shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written county approval.

11.15.6822

Adjustments to Design Standard.

The Planning Director shall reduce the percentage of lots that must comply with Section .6815 to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.

A. Density and cost. If the design standard in Section .6815 is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section .6815 would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.
2. There is a significant natural feature on the site, identified as such in the comprehensive plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

B. Development amenities. If the design standard in Section .6815 applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Section .6815 is relevant to whether a significant development amenity is lost or impaired. Development amenities which may merit design adjustments include, but are not limited to the following:

- views of volcanic peaks in the Cascade Range;
- substantial open space, recreation or aesthetic features added by the applicant;
- existing Goal 5 Features identified in the Comprehensive Framework Plan.

C. Existing shade. Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80 per cent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an arial photograph.

1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.

2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

11.15.6825 Protection from Future Shade.

Structures and non-exempt vegetation must comply with the "Solar Balance Point" sections for existing lots (reference 11.15.6840 - .6868) if located on a lot that is subject to the solar design standard in Section .6815, or if located on a lot south of and adjoining a lot that complies with Section .6815.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section .6825. The county shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written county approval.

11.15.6828 Application.

An application for approval of a development subject to this ordinance shall include:

A. Maps and text sufficient to show the development complies with the solar design standard of Section .6815, except for

lots for which an exemption or adjustment from Section .6815 is requested, including at least:

1. The north-south lot dimension and front lot line orientation of each proposed lot.
 2. Protected solar building lines and relevant building site restrictions, if applicable.
 3. For the purpose of identifying trees exempt from Section .6825, a map showing existing trees at least 30 feet tall and over 6 inches in diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
 4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Section .6815 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Section .6820, or .6822 respectively.

11.15.6830

Procedure.

Development requests subject to Solar Access Provisions in the preceding sections (11.15.6805-.6828) shall be decided as prescribed by Chapter 11.45, Land Divisions.

11.15.6832

Appeal and Review Procedures.

- A. A Planning Director decision on a Land Division request subject to Sections 11.15.6810-.6828 may be appealed to the Planning Commission pursuant to Sections 11.15.8290-.8295.
- B. A Planning Commission decision on a Land Division request subject to Sections 11.15.6810-.6828 may be reviewed by The Board of County Commissioners as prescribed by Sections 11.15.8260-.8285.

SOLAR BALANCE POINT PROVISIONS

11.15.6835 Purpose.

The purposes of these provisions are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to these provisions are intended to be ministerial.

11.15.6840 Applicability.

This ordinance applies to an application for a building permit for all structures in LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, R-7, and all single family detached structures in any zone, except to the extent the approval authority finds the applicant has shown that one or more of the conditions listed in Sections .6855 or .6858 exists, and exemptions or adjustments provided therein are warranted. In addition, non exempt vegetation planted on lots subject to the provisions of Section .6825 of the Solar Access Provisions for New Development shall comply with the shade point height standards as provided in Sections .6850 and .6855 of this ordinance.

11.15.6845 Solar Site Plan Required.

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Section .6850 and the allowed shade on the proposed structure's solar features as provided in .6860. If applicable, the site plan shall also show the solar balance point for the structure as provided in Section .6865.

11.15.6850 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

- A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary, interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);
SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and
N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

TABLE A - MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)

Distance to Shade Reduction Line from northern lot line (in feet)	North-South lot dimension (in feet)													
	100+	95	90	85	80	75	70	65	60	55	50	45	40	
70	40	40	40	41	42	43	44							
65	38	38	38	39	40	41	42	43						
60	36	36	36	37	38	39	40	41	42					
55	34	34	34	35	36	37	38	39	40	41				
50	32	32	32	33	34	35	36	37	38	39	40	41	42	
45	30	30	30	31	32	33	34	35	36	37	38	39	40	41
40	28	28	28	29	30	31	32	33	34	35	36	37	38	39
35	26	26	26	27	28	29	30	31	32	33	34	35	36	37
30	24	24	24	25	26	27	28	29	30	31	32	33	34	35
25	22	22	22	23	24	25	26	27	28	29	30	31	32	33
20	20	20	20	21	22	23	24	25	26	27	28	29	30	31
15	18	18	18	19	20	21	22	23	24	25	26	27	28	29
10	16	16	16	17	18	19	20	21	22	23	24	25	26	27
5	14	14	14	15	16	17	18	19	20	21	22	23	24	25

B. Performance Option. The proposed structure, or applicable nonexempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with Section .6815(B) or .6815(C) the Solar Access Provisions for New Development. If Section .6815(B), Protected Solar Building Line, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

11.15.6855

Exemption from the Maximum Shade Point Height Standard.

The Planning Director shall exempt a proposed structure or non-exempt vegetation from Sections .6845 and .6850 of this ordinance if the applicant shows that one or more of the conditions in this Section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Exempt Lot. When created the lot was subject to the Solar

Access Provisions for New Development and was not subject to the provisions of Section .6825 of that ordinance.

- B. Pre-existing shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:
1. An existing or approved building or structure;
 2. A topographic feature;
 3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law; is within a public park, or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
- C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.
- D. Insignificant benefit. The proposed structure or nonexempt vegetation shades one or more of the following:
1. An undevelopable area;
 2. The wall of an unheated space, such as a typical garage;
 3. Less than 20 square feet of south-facing glazing.
- E. Public Improvement. The proposed structure is a publicly owned improvement.

11.15.6858

Adjustments to the Maximum Shade Point Height Standard.

The Planning Director shall increase the maximum permitted height of the shade point determined using Section .6850 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or both topographical data, shadow patterns, sun-charts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with Section .6850, due to such things as a lot size less than 3000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.

B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section .6865 or be sited as near to the solar balance point as allowed by Section .6865, if:

1. When the proposed structure is sited to meet the maximum shade point height standard determined using Section .6850, its solar feature will potentially be shaded as determined using Section .6960; and
2. The application includes a form provided by the county that:
 - a. Releases the applicant from complying with Section .6850 and agrees that the proposed structure may shade an area otherwise protected by Section .6850.
 - b. Releases the county from liability for damages resulting from the adjustment;
 - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Section .6850.
3. Before the county issues a permit for a proposed structure for which an adjustment has been granted pursuant to Section .6858(B), the applicant shall file the form provided for in Subsection (B)2 above in the office of the County Recorder with the deeds to the affected properties.

11.15.6860

Analysis of Allowed Shade on Solar Feature

- A. The applicant is exempt from Section .6860 if the lot(s) south of and adjoining the applicant's property is exempt from Section 6850 of this ordinance.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
 1. Existing structure(s) or non-exempt trees; or
 2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

- C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the mid-point of the front lot line of the lot to the south.
- D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection (B) by using the following formula or Table B.

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where:

- SFSH = the allowed shadow height on the solar feature (see Figure 8)
- SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section Table C.
- SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 7)

TABLE B - MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (In Feet)

Distance from Solar Gain Line to lot line (in feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

TABLE C

North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

- E. If the allowed shade height on the solar feature calculated in Subsection (D) is higher than the lowest height of the solar feature calculated in Subsection (C) the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

11.15.6865 Solar Balance Point.

If a structure does not comply with the maximum shade point height standard in Section .6850 and the allowed shade on a solar feature standard in Section .6860, then the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where a structure would most nearly comply with both of these standards, (i.e. the variation from both standards is minimized.).

11.15.6868 Yard Setback Adjustment.

The county shall grant an adjustment to the side, and/or rear yard setback requirement(s) by up to 50 percent and up to 25 percent to a front yard setback, if necessary to build a proposed structure so it complies with either the shade point height standard in Section .6850, the allowed shade on a solar feature standard in Section .6860, or the solar balance point standard in Section .6865 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance. (The following list illustrates yard adjustments permitted under this section:)

A. LR-5 Zone(s):

1. A front yard setback may be reduced to not less than (15) feet.
2. A rear yard setback may be reduced to not less than (7.5) feet.
3. A side yard setback may be reduced to not less than (3) feet.

B. LR-7 Zone(s):

1. A front yard setback may be reduced to not less than (15) feet.
2. A rear yard setback may be reduced to not less than (7.5) feet.
3. A side yard setback may be reduced to not less than (3) feet.

C. R-10 Zone(s):

1. A front yard setback may be reduced to not less than (22.5) feet.
2. A rear yard setback may be reduced to not less than (12.5) feet.
3. A side yard setback may be reduced to not less than (5) feet.

11.15.6870 Review Process.

A Planning Director determination on a Building Permit request subject to the preceding Solar Balance Point Provisions (Sections 11.15.6835-.6868) may be appealed as provided by Sections 11.15.8290-.8295.

SOLAR ACCESS PERMIT PROVISIONS

11.15.6875 Purpose.

The purpose of the following sections is to protect solar access features on lots designated or used for a single family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittees site.

11.15.6878 Applicability.

An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in a LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, R-7, or is or will be developed with a single family dwelling. The county's decision whether or not to grant a solar access permit is intended to be ministerial.

11.15.6880 Approval Standards for a Solar Access Permit.

The Planning Director shall approve an application for a solar access permit if the applicant shows:

- A. The application is complete;
- B. The Information it contains is accurate; and
- C. Non-exempt vegetation on the applicant's property does not shade the solar feature.

11.15.6885 Duties Created by Solar Access Permit.

- A. A party to whom the county grants a solar access permit shall:
 - 1. Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in Section .6888(C) with such modifications as required by the County Recorder, with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing;
 - 2. Install the solar feature in a timely manner as provided in Section .6895; and
 - 3. Maintain non-exempt vegetation on the site so it does not shade the solar feature.
- B. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping non-exempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on

the site plan required in Section .6888(C) (e.g., vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation) are exempt from the solar access permit.

11.15.6888 Application Contents.

An application for a solar access permit shall contain the following information:

- A. A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County Tax Assessor shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.
- B. A scaled plan of the applicant's property showing:
 1. Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature.
 2. The approximate height above grade of the solar feature, its location, and its orientation relative to true south.
- C. A scaled plan of the properties on the list required in Subsection (A) above showing:
 1. Their approximate dimensions; and
 2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
- D. For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 11). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow non-exempt vegetation on that lot whose height causes not more shade on the benefited property than could be caused by a structure that complies with the Solar Balance Point Provisions for existing lots.

- E. A fee as required by 11.15.9015.
- F. If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to Section .6888(C) above accurately represents vegetation in the ground on the date of the application. The county shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.

11.15.6890

Application Review Process.

- A. Unless waived by the Planning Director, prior to filing an application for a solar access permit, an applicant or applicant's representative shall pay the fee required in Section 11.15.9015 and meet with the Planning Director or his/her designate to discuss the proposal and the requirements for an application. If a meeting is held, the Planning Director shall convey a written summary of the meeting to the applicant by mail within 7 calendar days of the meeting.
- B. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in section .6888 above.
- C. Within 10 calendar days after an application is filed, the Planning Director or his/her designate shall determine whether the application is complete and if it is not complete notify the applicant in writing, and specify what is required to make it complete.
- D. Within 14 calendar days after the Planning Director decides an application for a solar access permit is complete, the Planning Director or his/her designate shall issue a written decision tentatively approving or denying the request, together with reasons therefore, based on the standards of Section .6880.
 - 1. If the tentative decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.
 - 2. If the tentative decision is to approve the permit, and the owners of all affected properties verified the accuracy of the plot plan as permitted under Section .6888(F), the Planning Director shall send a copy of the tentative decision to the applicant and to the owners of affected properties who did not sign the verification statement pursuant to Section .6888(F) by certified mail, return receipt requested. If the Planning Director determines that the owners of a given property, affected by the permit are not the occupants of that property, then the Planning Director

shall also send a copy of the notice to the occupants of the property.

- a. The notice sent to the applicant shall include a sign that says..."a solar access permit for the property has been tentatively approved" and that informs readers where to obtain more information. The applicant shall be instructed to conspicuously post the sign so it is visible from right-of-way adjoining the property, and to sign and return a form provided by the Planning Director certifying that the sign was posted as provided herein not more than 14 days after the tentative decision was mailed.
 - b. The notice shall include the plot plans required in Sections .6888(B) and (C) above, the proposed solar access height limits, and duties created by the permit.
 - c. The notice shall request recipients to verify that the plot plan shows all non-exempt vegetation on the recipient's property, and to send the Planning Director comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes the applicant's plot plan is inaccurate.
4. Within 28 days after notice of a tentative decision is mailed to affected parties, the Planning Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The Planning Director shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit by certified mail, return receipt requested.
- E. If the application is approved, the applicant shall record the permit, associated solar access height limits, legal descriptions for the affected properties, and the site plan required in Section .6888(C) with such modifications as required by the Planning Director and the office of the County Recorder, with the deeds to the properties affected by it before the permit is effective.

11.15.6892 Permit Enforcement Process.

- A. Enforcement request. A solar access permittee may request the county to enforce the solar access permit by providing the following information to the Planning Director:
 1. A copy of the solar access permit and the plot plans submitted with the permit;

2. The legal description of the lot(s) on which alleged non-exempt vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the non-exempt vegetation; and
 3. Evidence the vegetation violates the solar access permit, such as a sunchart photograph, shadow pattern, and/or photographs.
- B. Enforcement process. If the Planning Director determines the request for enforcement is complete, he/she shall initiate an enforcement action pursuant to zoning violation procedures. Provided the Planning Director shall not enforce the permit against vegetation the owner of which shows was in the ground on the date the permit application was filed with the county.

11.15.6895

Expiration and Extension of a Solar Access Permit.

- A. Expiration. Every permit issued by the Planning Director under the provisions of Section .6890 shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, or if the solar feature is removed, the Planning Director shall terminate the permit by recording a notice of expiration in the office of the County Recorder with the deeds to the affected properties.
- B. Extension. Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this Section for good and satisfactory reasons. The Planning Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. No permit shall be extended more than once.

SOLAR ACCESS ORDINANCE

DEFINITIONS

11.15.6899 The following definitions shall apply to MCC 11.15.6805-.6895.

Crown Cover:

The area within the drip line or perimeter of the foliage of a tree.

Development:

Any short plat, partition, subdivision or planned unit development that is created under the county's land division or zoning regulations.

Exempt Tree or Vegetation:

The full height and breadth of vegetation that the Planning Director has identified as "solar friendly" and listed in the Solar Friendly Tree Report, 1987; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

Front Lot Line:

For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).

Non-Exempt Tree or Vegetation.

Vegetation that is not exempt.

Northern Lot Line:

The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of the undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).

North-south Dimension:

The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).

Protected Solar Building Line:

A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 10).

Shade:

A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

Shade Point:

The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point height will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

Shade Reduction Line:

A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).

Shadow Pattern:

A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

Solar Access Height Limit:

A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 11).

Solar Access Permit

A document issued by the county that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

Solar Feature:

A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use or collect solar energy is not a solar feature for purposes of this ordinance.

Solar gain line:

A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot including lots separated only by a street, that intersects the solar feature on that lot (see Figure 7).

South or South Facing:

True south, or 20 degrees east of magnetic south.

Sunchart:

One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

Undeveloped Area:

An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Section 5. . . Adoption.

This Ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the seventy-first (71st) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County Commissioners and authentication by the County Chair.

ADOPTED this 21st day of June, 1988, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Gladys McCoy
Multnomah County Chair

(Seal)

APPROVED AS TO FORM

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By _____
John DeBay, Deputy County Counsel

02970/P15-36

Figure 1

FRONT LOT LINE

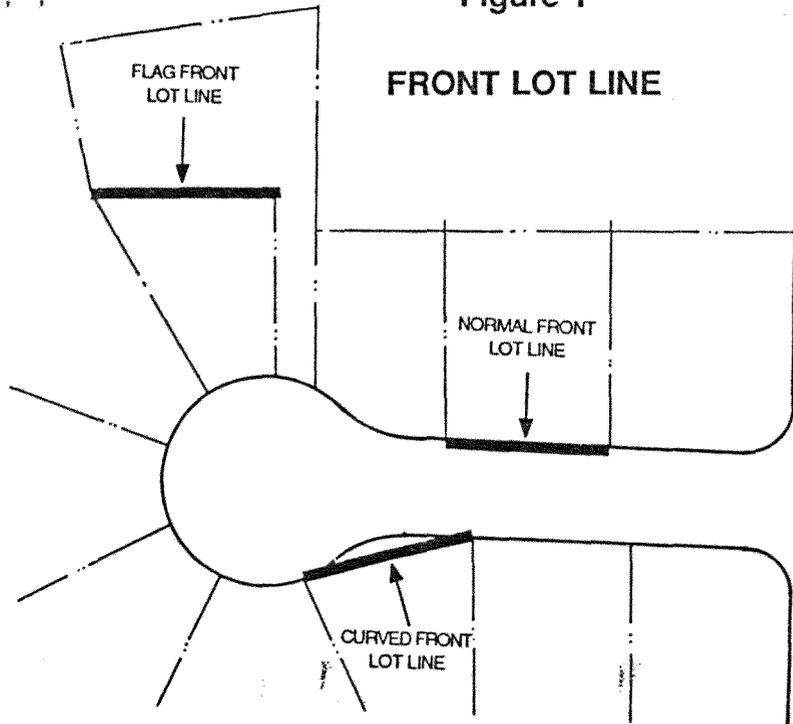


Figure 2

NORTHERN LOT LINE

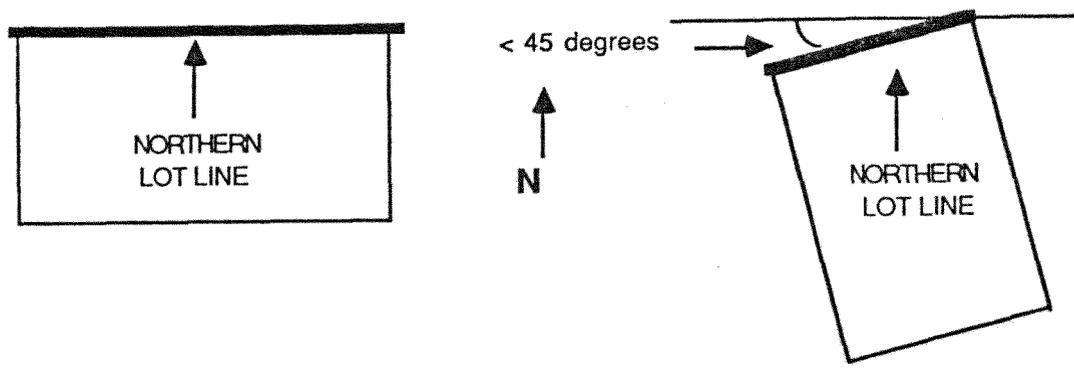


Figure 3

NORTH-SOUTH DIMENSION OF THE LOT

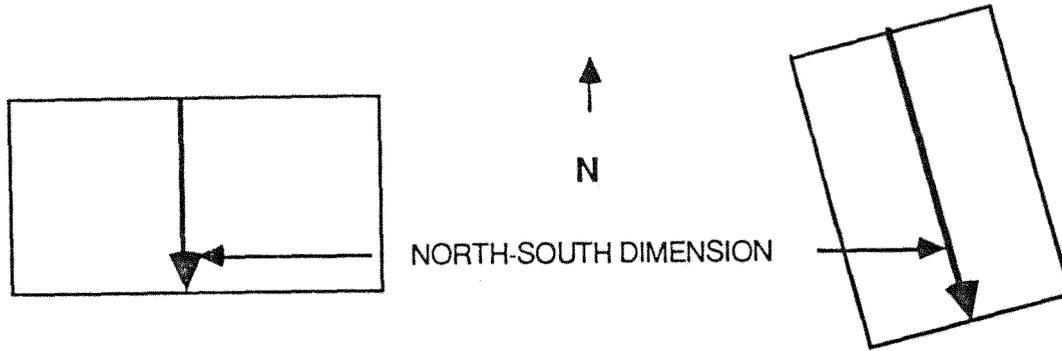


Figure 4

HEIGHT OF THE SHADE POINT OF THE STRUCTURE

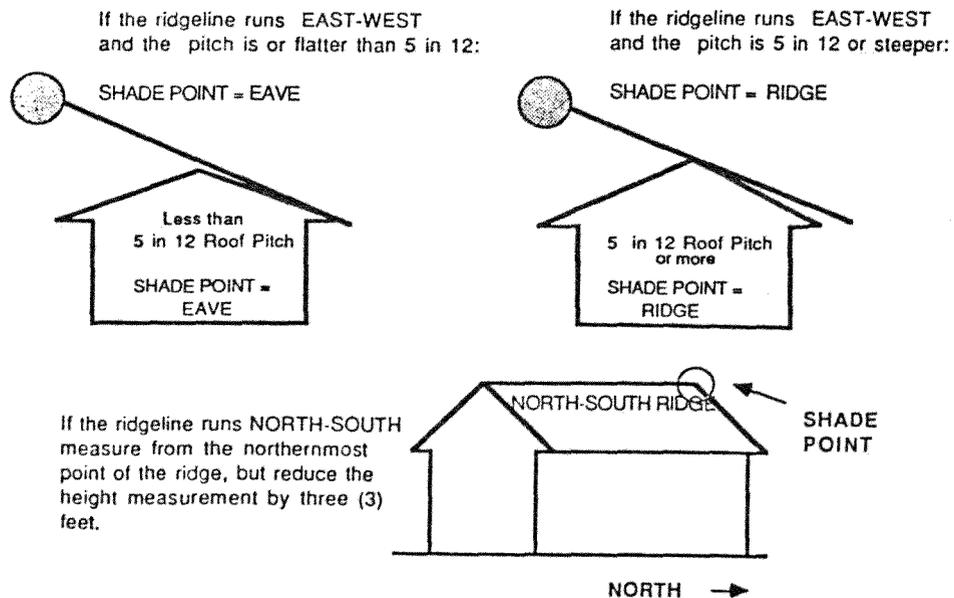


Figure 5

SHADE POINT HEIGHT

Measure to average grade at the front lot line.

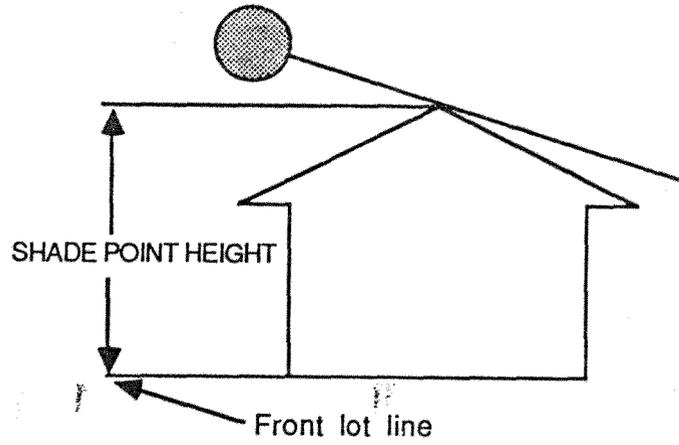


Figure 6

SHADE REDUCTION LINE

Shade Reduction Line
measured to Shade Point
from Northern Lot Line

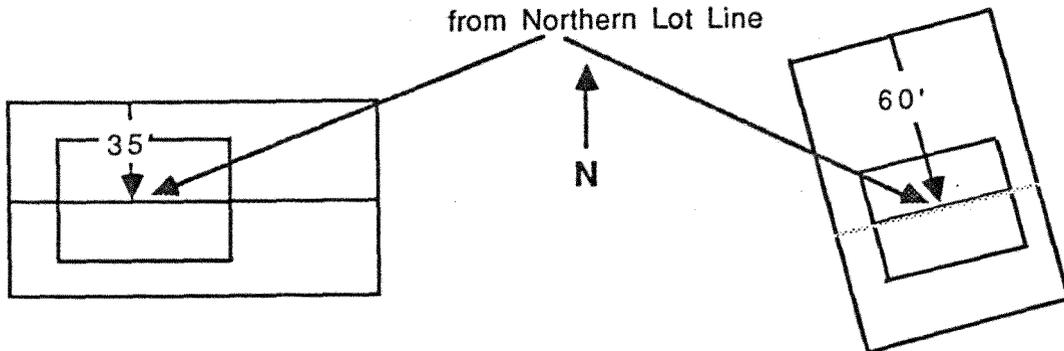


Figure 7

SOLAR GAIN LINE

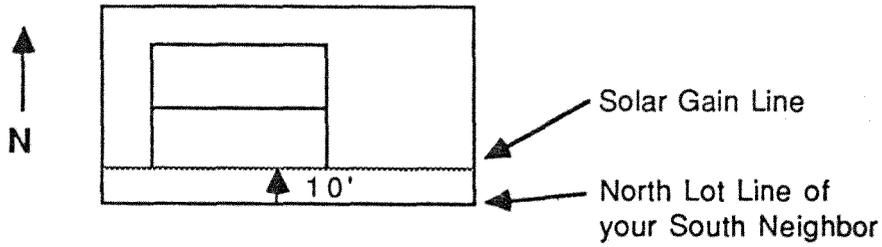


Figure 8

SOLAR BALANCE POINT STANDARD

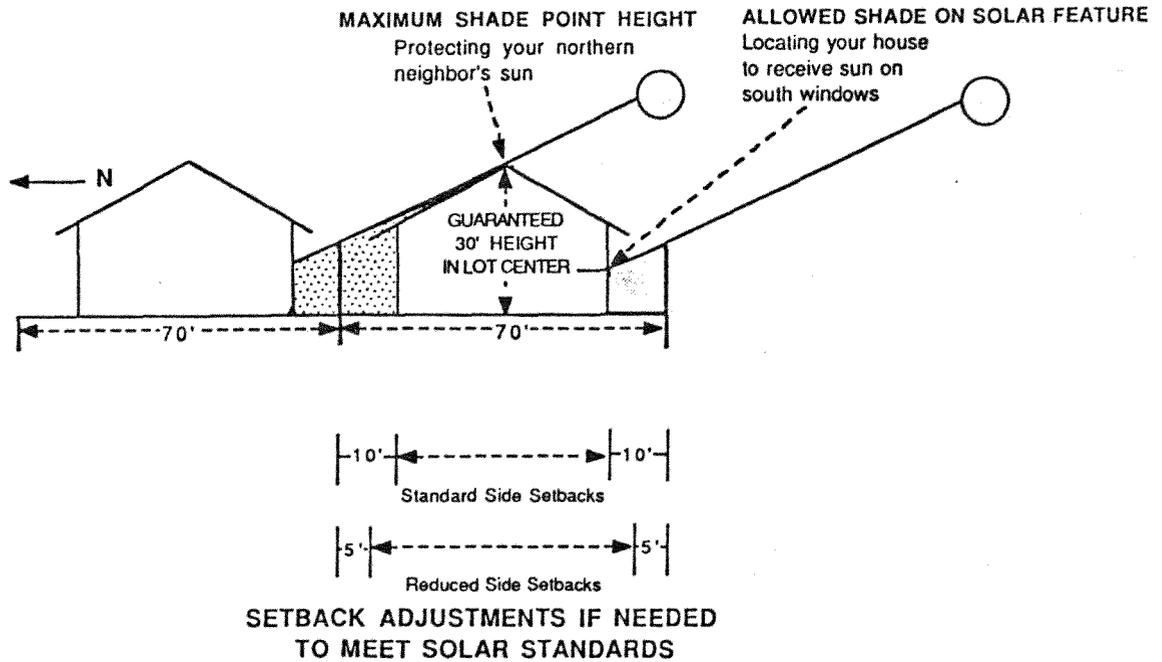


Figure 9

SOLAR LOT OPTION 1: BASIC REQUIREMENTS

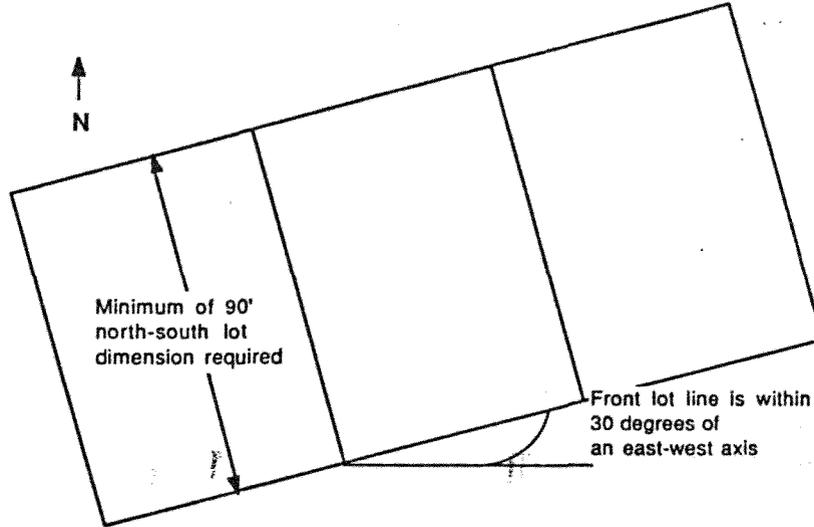


Figure 10

SOLAR LOT OPTION 2: PROTECTED SOLAR BUILDING LINE

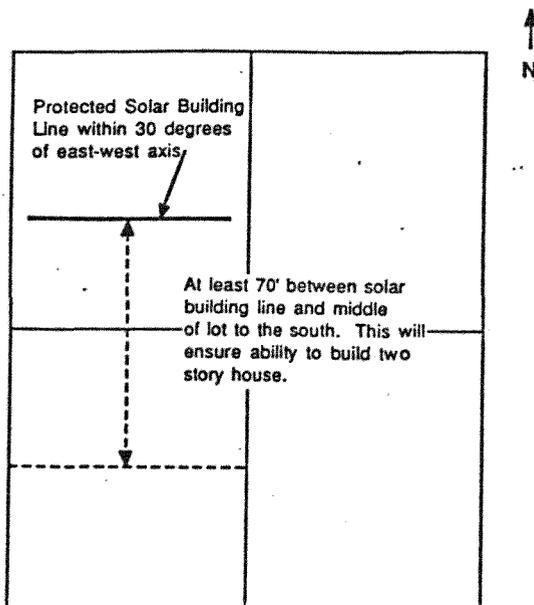


Figure 11

SOLAR ACCESS HEIGHT LIMIT

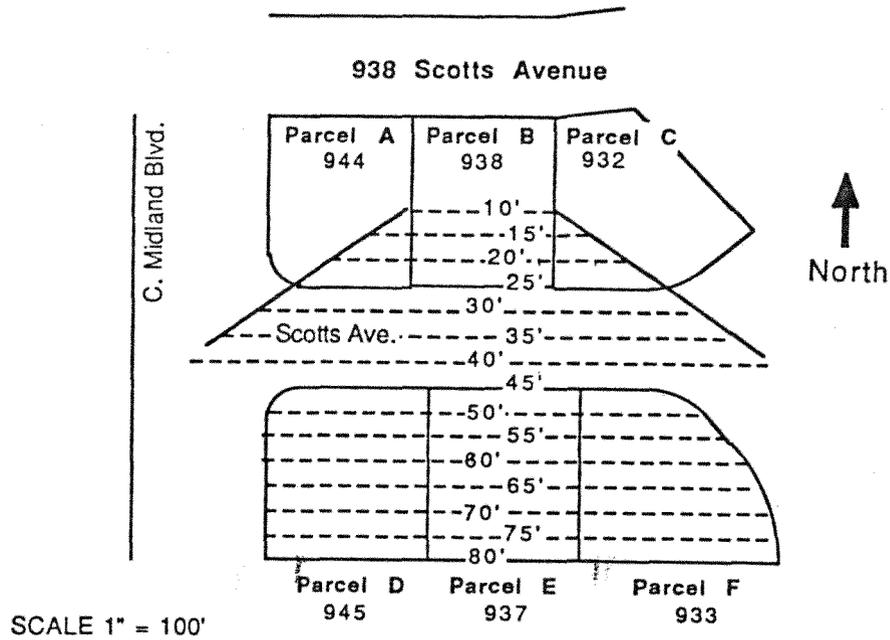
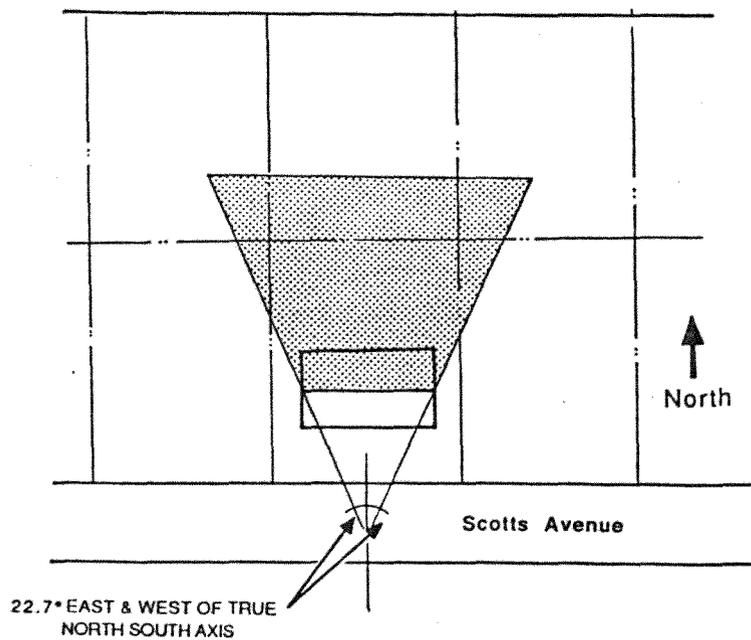


Figure 12

SHADOW PATTERN



CU 9-88

Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, for property at 34926 East Crown Point Highway.

MC 1-88

Approve, subject to a condition, change in a pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, for property at 13635 SE Division Street.

Other Item for Board Review.

Public Hearing

C 9-86

An Ordinance protecting solar access to new single family residential lots and to new and existing single family houses.

First Reading June 7, 1988 at 9:30 a.m.

Second Reading June 21, 1988 at 9:30 a.m.

*Approved
2nd Reading 6/14
date (at Journal) 6/21/88*

BOARD OF
COUNTY COMMISSIONERS
1988 MAY 26 AM 11:29
MULTNOMAH COUNTY
OREGON

BEFORE THE PLANNING COMMISSION

OF MULTNOMAH COUNTY, OREGON

In the Matter of proposed)
Solar Access Protection)
Ordinances)

RESOLUTION
IN SUPPORT OF ADOPTION
C 9-86

- I. There is a public need for and a public health, safety and general welfare interest in having local governments adopt solar access protection regulations.

WHEREAS, traditional property law does not protect solar energy access in the absence of a private agreement or a public law that requires such protection. Existing local land use laws in the Portland-Vancouver Metropolitan Area do not expressly protect solar energy access. Private easements and incentives in those laws to encourage the use of solar energy have not resulted in significant protection of solar energy access.

WHEREAS, because local laws do not require protection of solar energy access, many cost-effective energy savings measures and future options have been lost forever. They will continue to be lost in the future unless new land use laws are adopted. The potential impact of this loss amounts to millions of dollars during the life of new development in the region and to a waste of non-renewable resources.

WHEREAS, federal laws and plans promote conservation of energy by such means as solar access protection.

1. The Northwest Electric Power Planning and Conservation Act of 1980 directed the Northwest Power Council and Bonneville Power Administration to give priority to conservation and renewable resources in their resource planning and acquisition.
2. The Northwest Power Plan recommends "acquisition of cost-effective lost opportunity resources which, if not secured now or in the near term, could be lost forever to the region. The primary example is incorporating energy efficient features into new buildings when they are constructed, since many of these measures cannot be installed later and the buildings will consume energy long after the surplus is over."

The Northwest Power Plan supports adoption of Solar Access Ordinances by local governments region-wide because it develops the capability to deliver energy conservation in the future.

The Northwest Power Planning Council's Model Conservation standards include minimum solar access requirements for sun-tempered and passive solar homes.

WHEREAS, state statutes recognize there is a public interest in protecting solar energy access and authorize local governments to enact solar access protection regulations.

1. ORS 469.010 declares that "continued growth in demand for non-renewable energy forms poses a serious and immediate, as well as future, problem. It is essential that future generations not be left a legacy of vanished or depleted resources, resulting in massive environmental, social and financial impact. It is the goal of Oregon to promote the efficient use of energy resources and to develop permanently sustainable energy resources."

2. ORS 227.190 and 215.044 authorize City and County government bodies, respectively, to adopt and implement ordinances "protecting and assuring access to incident solar radiation" provided they do not conflict with acknowledged comprehensive plans and land use regulations. State statutes provides that a solar access ordinance "shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities.

"The governing body shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

- (a). the orientation of new streets, lots and parcels;
- (b). the placement, height, bulk and orientation of new buildings;
- (c). the type and placement of new trees on public street rights-of-way and other public property; and
- (d). planned uses and densities to conserve energy, facilitate the use of solar energy, or both."

3. Oregon Statewide Planning Goal No. 13 is to conserve energy. It promotes land use controls that "maximize the conservation of all forms of energy, based upon sound economic principles." It directs that comprehensive plans "should consider the potential of renewable energy sources, including solar energy, and may use implementation techniques which affect such factors as lot size, siting, building height, bulk, surface area and availability of light."

WHEREAS, the Multnomah County Comprehensive Framework Plan contains the following policies that promote energy conservation and solar energy:

Policy No. 2 (Off-Site Effects) provides conditions should prevent land uses from causing or exacerbating deleterious off-site effects (Volume 2, Page 14).

Policy No. 16 (Natural Resources) provides the long-range availability of energy resources should not be impaired by a land use law or action (Volume 2, Page 66).

Policy No. 22 (Energy Conservation) provides the County will promote use of renewable energy resources in land use, street layout, lotting and design. Strategies in that Policy promote solar access protection and solar conscious design in County regulations and land use decision-making (Volume 2, Page 87-89).

Policy No. 33a (Transportation System) recognizes energy efficiency as a design standard for streets (Volume 2, Page 145-146).

WHEREAS, Federal, State and local governments, with help from interested members of the public and the development industry, created and carried out a project to address the need for solar energy access protection in the Portland-Vancouver Metropolitan Area. The project provides a foundation on which local governments can assume authority provided by statute to encourage, protect and provide solar access. The project is summarized in the following findings.

A. In 1985, 21 governments in the Portland-Vancouver Metropolitan Area, including Multnomah County, passed Resolutions to join together to ask the Bonneville Power Administration (BPA) for funds to develop solar access protection laws that would be considered for adoption by each government in the project. BPA agreed to fund the two-year project. It was administered by the Washington Energy Office and Oregon Department of Energy. A 22nd government, the City of Portland, joined the project late in 1987. The 21 original project participants are listed below:

Beaverton	Canby	Clackamas County	Clark County
Cornelius	Fairview	Forest Grove	Gresham
Happy Valley	Lake Oswego	Milwaukie	Multnomah County
Oregon City	St. Helens	Scappoose	Tigard
Troutdale	Vancouver	Washington County	West Linn
Wilsonville			

B. A structure for the participants in the project was created; it is summarized below.

1. Each participating government appointed two or three "liaisons" to the project, generally one each from the government body, planning commission and planning staff. The liaisons participated on project committees, attended project seminars, regularly received information about the project and relayed information and concerns between the project staff and their govern-

ment. The liaisons for Multnomah County were:

Richard Leonard, Planning Commission;
Lori Fulton, Succeeded by Mark Hess, Design Review Planner;
Chris Moir, Commissioner's Assistant

2. The liaisons in turn appointed a 12-member Steering Committee of local government officials. The Steering Committee appointed technical committees, managed the project, undertook public involvement and public attitude studies, synthesized the work of the technical committees, and made policy choices involved in the project, such as adopting design principles, and recommending the Solar Access Protection Ordinances. Multnomah County liaison Richard Leonard was Vice-Chairman of the Steering Committee.
 3. The Steering Committee appointed liaisons, industry representatives and other people with related skills and experience to two technical committees. The committee members represented a balanced cross section of interests and operated by consensus. The Research Committee was responsible primarily for research about the factors that affect solar access and about the benefits of solar access protection. The Ordinance Committee was responsible for researching existing land use laws, drafting model solar access protection ordinances, and estimating the costs of implementing those ordinances. Multnomah County liaisons Lori Fulton and Mark Hess served on the Ordinance Committee.
- C. Public involvement activities were undertaken. These included an attitude survey and a review of studies about public and builder attitudes toward solar energy. Project staff prepared a quarterly publication describing project activities and meeting schedules. It was sent by mail to about 1,000 residents, firms and agencies in the area. Also governing bodies and Planning Commissions throughout the area received briefings about the project periodically; their meetings were open to the public. Press releases were distributed prior to each meeting of the Steering Committee and before other project events. All meetings of the committees were open to the public. Several briefings and work sessions were held with groups and individuals from the development industry. Broadcast media coverage and a community cable television videotape also informed the public about the project.
- D. Drafts of the Solar Access Ordinances were evaluated by the Ordinance Committee. Also they were tested by 11 jurisdictions and industry officials by applying them to "real world" land use requests in those jurisdictions. As a result, the Ordinances were changed to be more clear, to ease administration and to comply more with the project design principles.
- E. The following reports and studies were produced and considered during the project, and form the basis for the technical recommendations in the Solar Access Protection Ordinances. They are incorporated herein by reference; several are summarized in attachments for convenience.

1. Research Committee, An Analysis of 402 Sites to Determine the Major Factors Influencing Solar Access in the Portland-Vancouver Metropolitan Area, June, 1987.
2. Research Committee, Potential Benefits of Solar Access, September, 1987.
3. Pihas, Schmidt, Westerdahl, Solar Energy, Solar Access and Energy Conservation: Research Compilation, May, 1987.
4. Ames Associates, Solar Friendly Tree Report, June, 1987.
5. Ordinance Committee, New Development Standard Cost Report, January, 1988.
6. Ordinance Committee, Potential Costs of the Solar Balance Point Standard, January, 1988.
7. Columbia Information Systems, Public Attitude Survey, March, 1987.
8. Fleitell, Paula, Survey of Experiences in Communities with Solar Access Ordinances, August, 1987.
9. Boe and Tumidaj, Comparative Solar Setback Analysis of 80 Metro Area Site Plans, April, 1987.
10. Portland Bureau of Planning, Solar Access Ordinance Evaluation: Support Document, August, 1987.
11. Columbia Information Systems, A Survey of the Building Community on the Solar Access Ordinances, n.d.
12. Benkendorf Associates, Plat Re-design Case Studies: Waterhouse, Dawn Crest, and Bridgeport, February-June, 1987.
13. Benkendorf Associates, Solar Re-Design Cost Comparison - Waterhouse and Dawn Crest, May, 1987.
14. Mark Johnson, BPA, Residential Standards Demonstration Program Solar Access Report (Draft), December, 1987.

15. Salem Department of Community Development, Solar Access Program Final Performance Report, October, 1987.
16. Bureau of Governmental Research and Service, An Evaluation of the City of Portland's Solar Access Ordinance, 1986.
17. Larry Epstein, PC, Summary of Land Use Ordinances for Jurisdictions in the Metro Solar Access Project, 1987.
18. Conservation Management Services, Impact of the Solar Balance Point Standard, January, 1988.

F. The most important products of the project are the four Solar Access Protection Ordinances.

1. One Ordinance - the Solar Access Standard for New Development - applies to land divisions and planned unit developments in single family zoning districts and to single family detached dwelling developments in any zone. It promotes proper lot orientation for solar access as well as generally preventing structures and some new trees from significantly shading neighbors.

The basic requirement for new developments is that 80 percent of lots front on streets oriented within 30 degrees of a true east-west line and have a north-south dimension of 90 feet or greater. This will maximize the number of lots with good solar access characteristics and minimize the potential problems of protecting solar access to homes on north-south streets. Two alternative requirements and provisions for exemptions and adjustments also are included.

2. A second Ordinance - the Solar Balance Point Standard for Existing Lots - applies to new structures and additions in single family zoning districts and to single family detached dwellings in all zones. It prevents new structures from significantly shading neighbors and balances solar rights and development rights of affected property owners. It also applies to certain trees planted on lots that are created after the effective date of the Ordinance.

The Solar Balance Point Ordinance protects full south wall solar access on lots that have good solar characteristics, and allows more shade on lots with poor solar access characteristics.

3. A third Ordinance - the Solar Access Permit Ordinance - enables the jurisdiction to issue a permit on a case by case basis at the request of a property owner in an existing neighborhood to prevent neighbors from planting new trees that would significantly shade a solar energy feature on the applicant's property.

4. A fourth Ordinance contains definitions used throughout the other three Ordinances.
5. The Ordinances protect homes in new and existing developments from shade caused by "solar unfriendly" trees planted after a certain date. A list of "Solar Friendly Trees" has been developed to assist in landscaping lots to protect solar access without significantly restricting the public's range of landscape options.
6. The Solar Access Ordinance for New Development and the Solar Access Balance Point Ordinance are mandatory in the sense that development subject to either of the two Ordinances must comply with them or comply with standards for exemptions and adjustments. The Ordinances do not require the use of solar energy features; they merely protect solar access so that the option to use solar energy in the future is preserved.

WHEREAS, in the project's early stages, the Steering Committee adopted eight "design principles". The participating governments and Home Builders Association of Metropolitan Portland agreed that the solar access protection program they would draft should comply with these principles. The program also has to comply with applicable State statutes and with the local comprehensive plan. The eight design principles commit project participants to draft a solar access program that will:

- A. Be efficient to administer and comply with and easy to enforce;
- B. Have a clear rationale supported by credible project research;
- C. Provide certainty to property owners regarding the extent and limitations of their sun and shade rights;
- D. Provide flexible enough standards to deal with a variety of development situations, including providing exceptions for difficult circumstances;
- E. Provide an easy means to inform the public about its provisions and effects;
- F. Provide effective solar access protection for properties;
- G. Provide equitable treatment to all property owners; and
- H. Be coordinated and balanced with other local Ordinances, standards and policies.

WHEREAS, the proposed Ordinances are consistent with and help implement federal law and comply with applicable State statutes and comprehensive plan policies, based on the following:

- A. The proposed Ordinances are consistent with the Northwest Electric Power Planning and Conservation Act of 1980 and with the Northwest Power Plan, because they promote use of energy efficient features and design principles in new residential development and will help new residential development comply with the Northwest Power Planning Council's Model Conservation Standards.
- B. The proposed Ordinances are consistent with State enabling legislation, because they protect solar access to south-facing windows during winter to the extent feasible, considering existing and potential physical features and land uses.
- C. The proposed Ordinances are consistent with the Statewide planning goals listed below. Remaining Statewide planning goals are not relevant.
 - a. Goal 1 (Public Involvement), because of the public involvement conducted as part of the project and the public hearings conducted by the Planning Commission and governing body;
 - b. Goal 2 (Land Use Planning), because they result from a consensus-oriented planning process in which issues and needs were identified, existing conditions were inventoried, alternatives were considered, and recommendations were made based on broad public review of options;
 - c. Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) and Goal 13 (Energy Conservation), because they conserve non-renewable energy resources and promote use of renewable energy resources; and
 - d. Goal 10 (Housing), because the Ordinances do not reduce permitted densities or reduce availability of housing for any segment of the public and they do not significantly increase the cost of housing. On the contrary, solar access can reduce operating costs for heating and cooling of residential structures, thereby reducing housing costs.

WHEREAS, the proposed Ordinances also are consistent with the "design principles" adopted by the Steering Committee, based on the following Findings:

- A. The Ordinances are efficient to administer and comply with and easy to enforce because:
 - 1. The Ordinances reflect the experience of other jurisdictions with solar access protection laws, and include features that avoid problems and complexities in those cases.
 - 2. The Ordinances have been tested by the development industry and by 11 local governments in the project. The lessons learned from this preliminary testing have reduced uncertainty and increased the ease of administration.

3. The project staff will train staff and the public and development community before the Ordinances are implemented, reducing the time and effort it takes to implement and comply with the Ordinances.
 4. The costs of implementing the Ordinances have been estimated. Compared to costs of other land use regulations, the proposed Ordinances should not increase the cost of complying with those regulations. The Ordinances allow adjustments, if compliance increases development costs in a given case by a minimum amount.
 5. The Ordinances include clear and objective approval standards, reducing the need for administrative discretion and extensive public review procedures. All terms are defined and many are illustrated by drawings, reducing the potential for confusion and misunderstanding. Exceptions and adjustments are provided for, reducing the need for variances to the proposed Ordinances. The Ordinances minimize new procedures; rather, they are to be integrated into existing land use procedures, reducing the potential for delay or increased administrative cost.
 6. Research showed a voluntary or incentive-based solar access program is more costly to implement and more difficult to evaluate than a mandatory one.
- B. The proposed Ordinances have a clear rationale supported by credible project research.
1. The research shows there is a need for solar access protection regulations. Existing development codes of participating governments do not protect solar access. Therefore, any solar access opportunities in the Metro Area have been lost. If existing development trends toward smaller lots and taller houses continue without regard for solar access, many more opportunities will be lost in the future.
 2. The research shows it is practicable to develop land so that less solar access is lost.
 - a. While only 40 percent of existing lots have optimum solar orientation and access, research shows new developments in the region generally can be designed so that at least 80 percent of new lots can have optimum solar orientation and access without significantly increasing development costs.
 - b. Increased solar access can result in substantial energy savings over the life of a typical residential structure. BPA research shows homes with good solar access use 10 percent less energy for heating than other homes. Project research shows solar access protection will cause average savings of about \$1,150 in heating costs over the life of a home and can provide as much as \$4,000 in savings. The gross energy savings to owners of new houses in the region from implementing the Ordinances is estimated to be \$150 million over the next 20 years. Savings could increase to \$325 million if more people use solar energy design principles and features in new construction.

- c. The solar access Ordinances cost the consumer about \$20 per lot in a new development or \$55 per new structure in an infill development. They cost the government \$4 to \$7 per lot.
3. Project research shows solar energy access protection has values that are difficult to quantify, but benefit from adoption of the proposed Ordinances. For instance, the proposed Ordinances will protect solar access not only for immediate use for passive solar space heating, but also for the present and future use of solar water heating and the future use of photovoltaic cells.

Also, solar access protection provides certainty that makes solar energy a more reliable source of alternative energy. It establishes a qualified property right to solar access; this right can motivate people to use solar energy. In fact research shows that people use solar energy several times more in a jurisdiction that has solar access regulations, compared to a jurisdiction that does not. Lastly solar energy is environmentally nonpolluting. Use of solar technology promotes a wide range of positive environmental values.

4. Research about existing solar access conditions in the Portland-Vancouver Metropolitan Area shows:
 - a. The major factor influencing solar access orientation of homes and windows is street orientation. Compared to homes on north-south streets, homes on east-west streets:
 - (1). had less shading;
 - (2). had more south window area for solar heating benefits;
 - (3). had more south roof, yard and wall area to accommodate solar additions;
 - (4). are shaded more from on-site sources under a homeowner's own control; and
 - (5). are less affected by slope, the placement and design of neighboring homes, and north-south lot dimension.
 - b. Solar access to homes on north-south streets is significantly affected by such factors as north-south lot dimension, setback, height, and ridgeline orientation of neighboring homes.
 - c. The historical trend has been toward smaller lots and two-story homes. If this trend continues, solar access increasingly will be affected by neighboring homes, particularly on north-south streets.
 - d. There is no discernible trend toward development on steeper slopes.

- e. There are some minor differences in solar access between counties. However, they were not of a nature as to require different policy treatment between counties.
- 5. The research showed a voluntary or incentive-based solar access program does not have demonstrable results. Therefore, the research does not provide a rationale for a voluntary or incentive-based program. The research shows the force of law is needed to provide effective solar access protection over time.
 - 6. Public attitudes surveys and other research indicates strong and consistent public support for solar access. The public attitudes surveys completed for the project showed that:
 - a. The majority of people favored solar energy and/or solar access in their answers to all the survey questions, and on many questions, the rate of support for solar access exceeded 70 percent.
 - b. The vast majority of people will accept local solar access regulations, and they place a positive economic and noneconomic value on lots and homes with good access to direct sunlight.
- C. The proposed Ordinances provide certainty to property owners regarding the extent and limits of their rights to cast shade and to receive direct sunlight.
- 1. The standards are clear and objective and depend on such tangible measures as street orientation, lot dimensions, house height and setback.
 - 2. Property owners can reasonably predict the amount of shade that will be allowed to fall on their property.
 - 3. Property owners and the private sector development community can reasonably predict the development guarantees the Ordinances provide.
 - 4. A mandatory program provides the same guarantees to owners of all similarly situated properties. Property owners do not have certainty about their solar rights or duties if a solar program is voluntary or incentive-based.
- D. The proposed Ordinances are flexible enough to deal with a variety of development situations.
- 1. The more difficult the situation, the more lenient the standard; the easier the situation, the more solar access to be protected.

2. The Ordinances provide exceptions for difficult circumstances, including steep slopes, pre-existing road and lotting patterns, pre-existing vegetation, and circumstances where a negligible solar benefit would be protected by meeting the standards.
 3. Normal avenues of appeal or variance are still available to persons seeking relief from the Ordinances.
- E. The Solar Access Protection Ordinances and associated training provide an easy means to inform the public about its provisions and effects.
1. Extensive public information programs were conducted with interested groups during the project.
 2. A training and education program for local government staff and the building industry will be available during a 90-day period between Ordinance adoption and implementation.
 3. Information about the solar access standards for new development can be provided to developers during the Pre-Application Conference for new subdivisions and PUDs.
 4. Notice to future purchasers of property subject to the Solar Ordinances will be provided by filing appropriate records with the title of each lot affected by the new development and Solar Access Permit Ordinances.
 5. Public information materials will be developed by the project consultants and made available to local governments for distribution.
 6. Notice of and information about the solar access standards will be provided with every building permit application.
- F. The proposed Ordinances will be provided with effective solar access protection to properties.
1. The Ordinances protect solar access to the extent feasible in keeping the Research Committee's analysis of the major factors affecting solar access.
 2. The Ordinances protect solar access between 10:30 a.m. to 1:30 p.m. on January 21. This is the level of solar access required for homes to qualify under the solar options of the Model Conservation Standards.
 3. It is estimated that the number of lots meeting minimum solar access criteria can be increased from 40 percent to 80 percent in new developments by implementing the Solar Access Ordinance for new development.
 4. The proposed Ordinances will provide substantial economic and non-economic benefits over time.

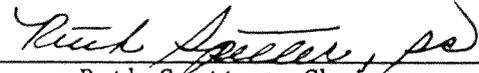
5. The Ordinances are mandatory because voluntary and incentive-based programs, such as the one in Salem and the ones reported in the Washington State Energy Office report, do not result in significant solar access protection. For instance, after 18 months of operation, the Salem program had distributed more than 4,000 brochures and guidebooks, held meetings attended by 950 people including 129 home builders, and reviewed 252 building permits. Nevertheless, Salem could not show that any of their good work informing the public resulted in more solar access or solar access protection, and no one applied for the incentives in the program. Jurisdictions with mandatory programs, such as in Ashland and Central Oregon, showed positive results.
- G. The proposed Ordinances provide equitable treatment to all property owners.
1. The standards benefit both the subject property and neighboring properties and require consideration of effects of solar access on both properties.
 2. Lots are categorized by clear, well-defined criteria. Lots of similar characteristics must meet the same standards and are guaranteed the same levels of solar access. A mandatory solar access program is recommended because it treats similarly situated properties the same; a voluntary or incentive-based program does not.
 3. Existing development densities are protected.
 4. Owners of all lots to which the Ordinances apply are guaranteed the right to build a structure that produces as much shade as a 30-foot tall building in the middle of every lot.
 5. Existing and solar-friendly trees are exempt from the standards.
 6. Exemptions are allowed when benefits can be shown to be insignificant, as when there is pre-existing shade from other sources or the area being protected is an unheated area of the home, such as a garage.
 7. The Ordinances protect solar access in new and existing development settings. Since the potential benefits of solar access are available in both settings, to do otherwise would provide inequitable benefits.
- H. The proposed Ordinances are coordinated and balanced with other local Ordinances, standards and policies.
1. The standards help implement comprehensive plan policies to conserve energy. Also, they do not reduce permitted density, require use of environmentally sensitive or significant land, or violate other plan policies.

2. The standards modify existing standards and land use tools for the additional purpose of protecting solar access in a manner that is consistent with existing land use laws.
3. Exceptions are provided to allow for cases where conflicts arise between solar access and other comprehensive plan Ordinances or policies. Such conflicts include density, affordable housing, tree preservation, infrastructure needs, consistency with surrounding street layouts, natural features and topography.
4. The Ordinances are consistent with implementation techniques specifically allowed in Oregon Statutes and LCDC Goal No. 13. Also, the Ordinances rely predominately on existing review procedures.
5. The Ordinances will provide a consistent set of solar access standards throughout the region, resulting in more coordinated development practices and more consistent development patterns and facilitating ease of implementation for builders who work in more than one jurisdiction in the region.

Dated this 9th day of May, 1988

MULTNOMAH COUNTY PLANNING COMMISSION

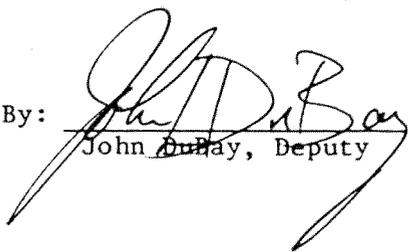
By


Ruth Spetter, Chairman

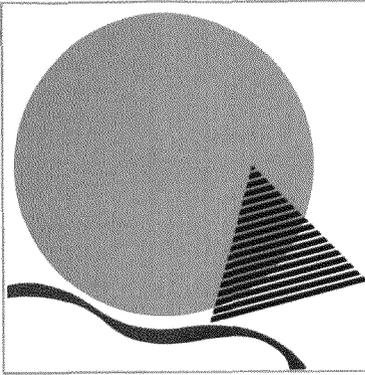
APPROVED AS TO FORM

Laurence Kressel,
County Counsel for
Multnomah County, Oregon

By:


John D. Bay, Deputy

02970/P3-16



SOLAR
ENERGY
ASSOCIATION
of
OREGON

working for a sustainable energy future

Testimony of
Philip M. Barrett, Executive Director
Solar Energy Association of Oregon

Before the
Multnomah County Commission
June 7, 1988

My name is Philip M. Barrett. I am the Executive Director of the Solar Energy Association of Oregon (SEA of O). I am appearing before you to voice the support of my organization for the solar access protection ordinances that you are considering today.

SEA of O is a statewide nonprofit membership organization that promotes energy efficiency and the use of appropriate renewable energy resources. We are the state's most active public interest organization on energy resource issues.

Solar access protection has long been a high priority issue for SEA of O. We have worked on solar access in many communities in the state, including Ashland, Eugene, Corvallis, and Portland. Although we were not formally involved in the Metro Solar Access Project, we closely followed the development of the model ordinances and fully support them.

Attached to my testimony is a copy of the resolution adopted by the SEA of O Board of Directors endorsing the Metro Project ordinances. Also attached is an editorial from the Oregonian that urges you to adopt the ordinances.

As members of the County Commission, you know well that the public is willing to accept land use regulations only if the regulations are workable and protect an important community value. The endorsement of the Metro Project model ordinances by the Home Builders Association of Metropolitan Portland (HBAMP) is ample evidence that the proposed ordinances are workable.

Today I would like to discuss the second half of the public acceptance equation, the importance of solar access protection to our communities. SEA of O believes that:

- 1) meaningful solar access protection provides significant energy savings;
- 2) the public overwhelmingly supports solar energy and solar access protection; and
- 3) the adoption of solar access ordinances is necessary to protect homeowner investments in solar energy.

Energy Savings

Energy expenditures in Oregon amount to approximately \$6 billion per year, or about 20% of the Gross State Product. Although stable energy prices over the past several years have quieted grumblings about energy bills, avoidable expenditures for energy constitute a tremendous drain on the state's economy. Furthermore, wasted energy dollars hit our citizens and the Oregon economy where it hurts the most, by reducing disposable income.

Global energy supply is now controlled from the Middle East. Energy consumption, on the other hand, is something we can control locally. The homes and businesses in which we live and work account for more than two-thirds of the energy consumed in this country. Our homes and businesses thus constitute a great public resource, because reducing consumption through efficiency improvements represents the best means available to us to control our energy future. Indeed, we have taken advantage of this resource. In the past 15 years there has been virtually no growth in US energy consumption; all economic growth in that period has been fueled by conserved energy.

Making use of the heat and light from the sun is an excellent way by which we in our communities can conserve energy. Solar energy is clean and safe, and solar investments keep money right here at home in the local economy. The solar resource is important right now for its contributions to space heating needs. It will become even more important as energy prices rise in the future and existing technologies such as solar water heating and photovoltaics become more cost competitive.

Public Support

Public attitude surveys consistently show overwhelming public support for solar energy. The Metro Project conducted the most recent survey, contacting approximately 400 Portland-area residents. Among the more revealing findings of the survey are the following.

- 1) People clearly consider solar energy an important source of energy for the future; 79% of respondents agreed that "it is valuable to me to have the choice to install a

solar energy system in my home at some time in the future."

- 2) The public supports actions to protect solar access; 86% of respondents agreed that "solar access should be protected in order to preserve the option to use solar in the future."
- 3) People place a positive economic and non-economic value on lots and homes with good access to direct sunlight; 64% of respondents agreed that they "would be willing to pay extra to live in a home that receives lots of sunlight," while 89% agreed that a home with a lot of sunlight is a comfortable and pleasant place to live.

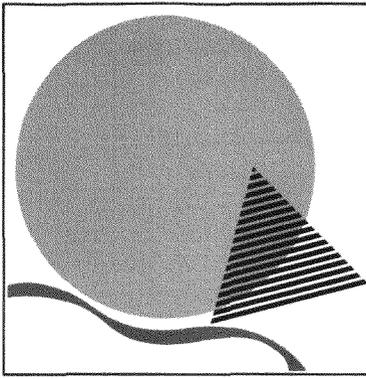
Need for Ordinances

The energy performance (and hence cost performance) of a home or solar installation is strongly dependent on the amount of exposure to incoming solar radiation. Without meaningful solar access protection, homeowners are at risk that at some future date a neighbor will construct a building or plant a tree and block the solar radiation that fuels their investments in solar energy.

Homeowners need a reasonable assurance of solar access to protect their solar investments. Only you as elected local government officials have the power to give them that protection. The Metro Project ordinances provide meaningful solar access protection and thus satisfy a real community need.

Developing solar energy is just one thing that we can do locally to protect ourselves from an unstable world energy supply. Solar energy cannot be a viable resource, however, without meaningful solar access protection. I hope that you will adopt the ordinances before you today and give the people of Multnomah County their opportunity to harness the sun's energy.

Thank you for giving me the opportunity to testify this morning.



**SOLAR
ENERGY
ASSOCIATION
of
OREGON**

working for a sustainable energy future

Solar Energy Association of Oregon Metro Solar Access Project Resolution

The Board of Directors of the Solar Energy Association of Oregon supports the implementation of the solar access protection ordinances for new developments and existing lots which have been prepared by the Portland-Vancouver Metropolitan Area Solar Access Project. We commend the Metro area local governments and the home building industry for the cooperative approach they have used to develop the ordinances.

It is clear that the ordinances include the types of compromises that we would expect from a consensus-based process. The ordinances do not protect all of the cost-effective solar opportunities that are available. However, we believe that the ordinance will provide meaningful solar access protection. Many features of the ordinances, including their basic simplicity, have advanced the state-of-the-art in the solar access field. The ordinances should serve their goal of widespread implementation extremely well.

The Solar Energy Association of Oregon believes strongly that the ordinances should be implemented as mandatory development and zoning standards. The experience from throughout the region is overwhelmingly clear: voluntary compliance programs are ineffective and expensive. The Metro ordinances are exactly the reverse; they will provide effective solar access protection at minimal cost.

Numerous opinion polls and the experiences of our members working with the public demonstrate Oregonians' ongoing commitment to finding low-cost, environmentally sensible solutions to our communities' energy future. The Metro ordinances are responsive to that public interest. We enthusiastically urge the local governments in the Portland-Vancouver metropolitan area to adopt the ordinances.

The Oregonian

MONDAY, MARCH 21, 1988

Solar access plan sensible

A delicately crafted compromise on Portland's restrictive solar-access ordinance has made it possible for at least 22 government jurisdictions in the four-county metropolitan area to adopt uniform solar-access rules for the area's building sites.

The miracle in this process is that the proposed regional ordinance has the unqualified and, in some cases, enthusiastic support of local governments, builders, developers, consumers and environmentalists.

The city of Portland has been one of the nation's leaders in developing rules that would guarantee a property owner's access to the sun (solar energy) for heating purposes. Portland's ordinance, enacted in 1985, was controversial. Many developers, builders and consumers were fighting the ordinance at City Hall at every turn. Some builders even threatened not to pursue projects in the city.

The consensus by former adversaries on the regional solar-access ordinance is a constructive example of how effective coalition building by citizen task forces — the Metropolitan Area Solar Access Project and the Portland Solar Access Evaluation Task Force — can solve a sticky local problem.

The planning commissions of Portland and Gresham ought to approve the ordinance March 22. After that, the ordinance must be adopted by city councils — by Gresham April 5 and by Portland April 7.

Other jurisdictions, in various stages of the adoption process, should follow suit by June 1.

The ordinance that is being proposed would save substantial amounts of energy, representing an estimated \$150 million area-wide benefit over the next 20 years. It also would not be unfair to builders who face limited options on difficult building lots. The Metropolitan Area Solar Project proposal, for example, has exemptions for lots with severe slopes. It also allows 30-foot heights for buildings, rather than the 24-foot limit required by Portland's current ordinance.

The less-restrictive regional ordinance would not save as much energy as Portland's current ordinance does, but that is just part of the story. If builders were discouraged by the solar-access rules from building in Portland, then the rigid approach would have had the undesirable effect of choking growth.

The Solar Energy Association of Oregon, which has long fought for solar-access ordinances, believes the new proposal would be far more effective than Portland's because it would have greater application in a four-county area. Thus more energy would be saved.

Local governments in Oregon's Multnomah, Clackamas and Washington counties, as well as in Clark County, Wash., should not hesitate in adopting and applying this widely respected solar-access ordinance.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the matter of the Adoption of Rules)	
of Procedure for the Conduct of Board Meetings)	ORDER
and the Transaction of County Business and)	
Repealing all Prior Rules of Procedure)	

It appearing to the Board that Chapter III, Section 3.50(1) of the Multnomah County Charter requires this Board to adopt and publish rules for the conduct of its meetings; and

It appearing to the Board that this Board has previously adopted and published such rules, but that such previously adopted rules are in need of revision; and

It appearing to the Board that it is appropriate that a full revision of previously adopted rules of this Board relating to the conduct of Board meetings be adopted and published, and the Board being fully advised in the premises; it is, therefore

RESOLVED AND ORDERED that this Board does hereby adopt the following rules for the conduct of its meetings:

Section 1. Organization of the Board.

A. The Board shall elect a Vice-Chair at the first regular meeting of each calendar year using the following rotation schedule of commissioner districts: 3, 4, 1, 2. The Commissioner in rotation has the right of refusal, in which case the vice-chair position will go to the next district commissioner in order, and the Commissioner who refused his/her term as vice-chair shall automatically go to the end of the rotation schedule. In the event a vacancy occurs for any reason in the position of Vice-Chair, an interim officer shall be elected by the Board following the same rotation schedule as outlined above at the first regular meeting after the vacancy occurs. (Charter, 3.60)

B. The administrative acts of the Vice-Chair as Chair Pro-tem when the Chair is incapacitated from service, shall have effect only if approved by the majority of the Board, exclusive of the Chair.

Section 2. Presiding Officer.

A. The Chair shall be the presiding officer at all Board meetings and shall have a vote on each matter before the Board. (Charter 6.10(2) and 3.60) The Chair or Vice Chair when presiding shall not make or second motions unless the position is first relinquished for the purpose of making or seconding such motions.

B. The Vice-Chair shall preside whenever the chair of the Board of Commissioners is absent or is incapacitated from serving. (Charter, 3.60)

C. In the absence or incapacity of the Chair and Vice-Chair, the member senior in time of service as a commissioner shall become the temporary Chair.

D. All procedural decisions of the Chair of the Board of County Commissioners shall be subject to review by a majority of Board members upon motion duly made and seconded, which shall be a privileged motion.

E. When a matter is called for a vote, the Chair of the Board of County Commissioners shall, before a vote is taken, state the questions before the Board in general terms and shall announce the decision of the Board after such vote.

F. The Chair of the Board of County Commissioners or the county commissioner who presided at the meeting at which the matter was approved, shall sign all documents memorializing Board action within three days after approval by the Board.

G. The Chair of the Board of County Commissioners shall have authority over the general care and management of Board property.

Board property does not include property exclusively budgeted for and used by a commissioner or the staff of a commissioner.

H. The Chair of the Board of County Commissioners shall have authority over all Board expenditures. Board expenditures within the meaning of this section include those made in connection with the work of the Clerk of the Board and the Assistant Clerk of the Board, but shall not include the expenditures of a commissioner.

I. The Chair of the Board of County Commissioners shall be the appointing authority for all Board employees, including the Clerk of the Board, except for staff personnel appointed by individual commissioners. Board employees shall receive an annual job performance evaluation, which shall be conducted by the Chair with involvement of the other members of the Board.

J. The Chair of the Board of County Commissioners shall supervise the preparation of the agenda by the Clerk of the Board.

K. The Chair of the Board of County Commissioners shall appoint a liaison Commissioner to each of the County Departments.

L. The Chair of the Board of County Commissioners may appoint a member of the Board of County Commissioners as a representative of the Board to any board, committee, or commission.

M. The Chair of the Board of County Commissioners shall consult with all other members of the Board prior to any action taken pursuant to Subsections (G), (H), (I), (K), and (L). The Chair of the Board of County Commissioners shall immediately notify all other Board members in writing of any action taken pursuant to those subsections.

N. Any actions taken by the Chair of the Board of County Commissioners pursuant to subsections (G), (H) and (I) shall be subject to approval by the vote of three members of the Board at a regular meeting held within ten (10) days after the action. Additionally, the Chair may not hire or fire Board staff, or authorize unbudgeted capital expenditures in excess of \$200, without prior Board approval for the action.

O. Any appointments made pursuant to subsections (K) and (L) shall be made at the third regular meeting of the Board of each calendar year. The Chair of the Board of County Commissioners shall make interim appointments under subsection (K) at the first regular meeting after a vacancy occurs. The Chair of the Board of County Commissioners may make interim appointments under subsection (L) at any regular meeting.

P. The Chair of the Board of County Commissioners shall provide an orientation experience for any newly elected or appointed member of the Board at the request of the new member.

Q. All appointments made pursuant to subsection (K) and (L) shall be made such that no member of the Board shall serve as liaison to any board, committee or commission for more than two consecutive terms.

Section 3. Clerk of the Board.

A. The Clerk of the Board, or the Clerk's designate, shall be present at each meeting of the Board and shall prepare written minutes thereof, and in the case of regular meetings shall electronically record the proceedings.

B. The Clerk shall maintain a Journal of Board proceedings that shall be accessible to the public during regular office hours. (Charter, 3.50(5))

Section 4. Meetings.

A. Regular Meetings.

1. Regular meetings of the Board of County Commissioners of Multnomah County, Oregon, shall be held the first and third Tuesday and other Tuesdays as necessary for the conduct of land use issues, and Thursdays of each week at 9:30 A.M. in Room 602, Multnomah County Courthouse; provided, however, the Board may hold meetings

and hearings at locations other than the courthouse when it determines that the public interest is best served thereby and notice thereof is given in the posted agenda.

2. If the date of a regular meeting is a legal holiday under the laws of the State of Oregon, such meeting shall be held prior to the holiday or continued to the next succeeding regular meeting day.

3. All regular and special Board meetings shall be open to the public except when the Board conducts its affairs in executive session pursuant to ORS 192.660.

4. Any regular meeting of the Board may, by majority vote, be adjourned to any time, or from time to time, when such is in the interest of expeditious transaction of county business. Any regular meeting of the Board may be adjourned, by majority vote, to another place when space in the meeting room is not sufficient to permit attendance of all the members of the public appearing for such meeting, to such other place as will adequately accommodate the public at a minimum of inconvenience.

5. Informal meetings are held at 1:30 P.M. on Tuesdays in Room 602, Multnomah County Courthouse for the purpose to receiving briefings on issues not requiring action, and reviewing the formal

agendas with staff. No testimony is taken from the public at Informal Meetings. The Board may hold its Informal meeting at locations other than the courthouse when it determines that the public interest is best served thereby, and notice thereof is given in the posted notice. In the event of a holiday, or a conflicting meeting, the informal meeting may be cancelled, and/or combined with a regular or special board meeting.

B. Special Meetings.

1. Meetings of the Board other than those regularly scheduled or rescheduled may be called by the Chair of the Board of County Commissioners or any three Commissioners, upon proper notice which shall include an agenda of items to be considered and which shall be delivered to all commissioners, if available, or, if not, delivered to their courthouse office and to their residence address at least twenty-four (24) hours before the hour of such meeting. (Charter, 3.50 (3))

2. No board action taken at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting. (Charter, 3.50(3))

Section 5. Notice and Agenda.

A. Notice stating the time and place of all meetings and containing an Agenda of all items to be considered shall be posted at least 72 hours prior to the hour of a regular meeting or at least 24 hours prior to the hour of a special meeting, in a conspicuous place in the County Courthouse. Copies of the notice shall be made available to interested persons. (Charter, 3.50(4))

B. The order of business at all meetings shall be determined by the agenda as prepared by the Clerk.

C. The Chair of the Board of Commissioners shall file written requests accompanied by supporting documentation from Departments to the County Commissioners and Clerk of the Board prior to 5:00 P.M. Tuesday of the week preceding to have a matter placed on the agenda of a regular Thursday meeting. Any commissioner or Chair may, by written request to the Clerk of the Board prior to 12:00 noon Thursday of the week preceding, have any matter placed on the agenda of a regular Thursday meeting. To remove an item from placement on the agenda after it has been submitted to other Commissioners and the Clerk of the Board, the Chair shall notify the Clerk and the commissioners in writing that the item is being removed from the agenda, and in the case of a commissioner, the commissioner who placed the matter on the agenda shall submit a written request to the Chair of

the Board with copies to the Clerk and other commissioners that they are withdrawing the item, before the agenda has been prepared. Removal of any item from the agenda after it has been printed and distributed shall require the filing of a written request to the Chair of the Board, and written approval by the Chair to the Clerk of the Board and other Board members within 24 hours of the time of the meeting at which such item is to be considered. In the event that the regular Thursday meeting is continued after 12:00 noon, and the Board continues an item to the following Thursday, the item shall be deemed to have been submitted prior to the 12:00 Thursday deadline, and shall be placed in the regular order of business for the following Thursday.

D. The regular Tuesday meeting shall be primarily reserved for matters pertaining to land use planning. However, other matters may be placed on that agenda by any commissioner or the Chair pursuant to the procedures outlined in this Section with respect to regular Thursday meetings, except as provided in this paragraph. In order for the placement of items on the agenda of the regular Tuesday meeting a written request shall be made, in the case of a commissioner, prior to 12:00 noon Wednesday of the week preceeding, and, in the case of the Zoning Division, 5:00 P.M. Monday of the week preceeding.

E. Any item may be taken out of order by majority vote of Board members present.

F. The Board may take action on items not on the agenda if the Board deems that an emergency requires the action and if all the members of the board who are present affirmatively concur in the action. (Charter 3.50(4)) The concurrence of the Board members present shall be determined by a roll call vote.

G. The process for submitting items for Informal Agenda meetings shall be the same as outlined in Section C above.

H. The Clerk of the Board may change the agenda submittal deadline with the approval of the Chair of the Board of County Commissioners.

Section 6. Compulsory Attendance of Commissioners.

Board Members are required to notify the Clerk and Chair of any anticipated absence from a Board meeting, in order to assure that a quorum will be present at regular meetings on Tuesdays (including Informals) and Thursdays. Notice should be given at least 48 hours before the meeting, if possible. (Charter, 3.30)

Section 7. Attendance, Quorum and Voting.

A. Attendance of three of five Commissioners shall be necessary to transact County business, except as provided in Section 6. The Board may act at a meeting only with the affirmative concurrence of a majority of its members. (Charter, 3.40)

B. Each Board member is deemed to have notice of all prior proceedings.

C. Voting shall be expressed by voice vote when called for by the Chair of the Board of County Commissioners or by roll call when requested by any Board member. Board members may specifically abstain from voting. Any member specifically abstaining shall make a brief, oral statement of the reasons for the abstention. Any Board member may require roll call vote following a voice vote. All votes shall be recorded by the Clerk of the Board. Any member may explain a vote; however, such explanation shall not be recorded in the minutes unless submitted in writing.

D. When involved in a potential conflict of interest, as defined under Oregon Law, in connection with a pending matter before the Board, a member shall publicly announce the nature of the potential conflict concerning that issue prior to voting thereon. The

announcement shall be recorded in the Board minutes by the Clerk of the Board.

E. Any Board Member who cannot conveniently be physically present at a meeting, due to medical constraints or inability to reach the location of the meeting, may attend the meeting by means of telephonic communication as long as the requirements of ORS 192.670 are satisfied.

F. Action of the Board is defined as those decisions requiring a vote of the Board, including procedural decisions. All reference to "majority vote" in these Rules of Procedure shall be construed as requiring an affirmative vote by a majority of the members of the entire Board of County Commissioners.

Section 8. Motions and Resolutions and Orders.

A. If a tie on a) a main motion or b) an adhering amendment which carries the main motion results from a members absence or abstention, that item shall be continued to the next regular meeting of the Board, which shall be considered an adjourned meeting for that item only, or to a special meeting for which notice of such item shall be duly given.

B. Items may be continued to a subsequent meeting upon majority vote. A motion to continue an item shall specify the date or event upon which continuation is based. A list of continued items, showing the date from which an item was continued, the date to which an item is continued or the event upon which continuation is based, shall be recorded and kept by the Clerk of the Board and be available to the public.

C. A motion to reconsider an item may be made only by a member who voted with the majority on the question and must specify the meeting date of such reconsideration. Such motion is privileged and must be made at the same meeting at which the question was determined. All persons appearing of record before the Board upon such item shall be notified of the date and time of the meeting at which the item is to be reconsidered.

D. Resolutions and Orders shall become effective upon adoption unless a later date is specified therein.

Section 9. Communications from the Public.

A. The Board may provide for a system by which written communications from the public shall be made part of the Board's Agenda.

B. The Board may provide a system for oral communications from the public; provided however:

1. A person addressing the Board shall do so from the rostrum upon first gaining recognition of the Chair of the Board of County Commissioners and after stating that person's name and address.

2. The Chair of the Board of County Commissioners may limit the time and number of appearances concerning an item under construction in the interest of facilitating the orderly business of the Board.

Section 10. Jail Inspection.

The Board shall visit the County Correctional Facilities at least once each year to examine the facility's health, cleanliness and discipline. (ORS 169.040)

Section 11. Appointments to Committees, Boards and Commissions.

A. The Board may by ordinance create such County advisory boards and commissions as in its judgment the interests of the County require. (Charter, 3.70)

B. The Chair of the Board of Commissioners, with approval of the Board, shall appoint members of boards and commissions. (Charter, 3.70(2))

C. Appointment of department heads shall be subject to consent of a majority of the Board of Commissioners. (Charter 6.10 (3)) The appointee shall appear at the next regular Thursday meeting of the Board subsequent to his appointment by the Chair of the Board of County Commissioners. At the next regular Thursday meeting held ten (10) days or more after such appearance, the Board shall act on the consent to the appointment. (Charter, 6.10)

Section 12. County Service Districts.

The rules of procedure adopted herein shall be applicable to the conduct of proceedings of the Board of County Commissioners of Multnomah County acting as the Board of Directors of a county service district.

Section 13. Public Hearings.

The Board may determine rules for the conduct of public hearings which may vary from hearing to hearing, but which must be announced at the commencement of each hearing.

Section 14. Order at Meetings.

A. The Chair of the Board of County Commissioners shall preserve order and decorum and decide questions of order subject to change by a majority vote of the Board.

B. A person or persons creating a disturbance or otherwise obstructing the orderly process of County business may be ejected from the meeting by the Sheriff or his deputies by direction of the Chair of the Board of County Commissioners.

C. Any matters not covered herein shall be determined by Robert's Rules of Order, latest revised edition.

D. No person shall be disorderly, abusive or disruptive of the orderly conduct of any meeting. Persons addressing the Board shall not be allowed to shout, pound on the rostrum, or otherwise attempt to interfere with the calm deliberation of the Board's business.

E. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the meeting. Such conduct may be cause for immediate termination of the meeting by the Board.

Section 15. Ordinances.

A. Enacting Clause. The enacting clause for all ordinances enacted by the Board of County Commissioners shall be:

"Multnomah County Ordains as follows:" (Charter, 5.20)

B. Nonemergency Ordinances. A proposed ordinance shall be filed in the office of the Clerk of the Board and public notice given of its pendency by inclusion in the posted agenda for the regular meeting of the Board of County Commissioners at which the proposed ordinance will be introduced. A reasonable number of copies of the proposed ordinance shall be available at the readings thereof to members of the Board and to persons who desire copies. The proposed ordinance shall be publicly read, in full and distinctly, during regular meetings of the Board on two different days at least six (6) days apart. (Charter, 5.30(1)) The proposed ordinance may be read by title only if a copy is available for each person at the meeting who desires a copy and if the Board directs that the ordinance be read by title only. (Charter, 5.30(2)) It shall require an affirmative concurrence of a majority of the Board to move a proposed ordinance to its second reading.

1. Immediately after the readings of the proposed ordinance, the agenda shall provide for a public hearing. The Board may

schedule additional readings and public hearings but must adopt or reject the proposed ordinance after final hearing.

2. The adoption of any changes which substantially affect the substance of the proposed ordinance shall require an additional public hearing of the ordinance as amended prior to enactment. The Board's determination of requiring additional readings and hearings is final.

3. A nonemergency ordinance takes effect on the thirtieth (30th) day after it is signed by the Chair of the Board of Commissioners or the county commissioner who presided at the meeting at which the ordinance was approved, unless it prescribes a later date or it is referred to the voters of the County, in which event it shall take effect only upon receiving voter approval. (Charter, 5.50(1) (a)(b))

C. Emergency Ordinances. An ordinance to meet an emergency may be introduced, read once as provided in Subsection B., a hearing held thereon, and adopted at a single regular or special meeting upon unanimous consent of all Board members present. (Charter, 5.30 (3)) An emergency ordinance which fails to receive the unanimous consent of all Board members present shall be considered an emergency ordinance requiring two readings, and may be moved to its second reading in accordance with the procedures set forth for nonemergency ordinances in Subsection B. Emergency ordinances may take

effect immediately upon being signed by the Chair of the Board of Commissioners (Charter 5.50 (2)) or the county commissioner who presided at the meeting at which the ordinance was approved. (Charter 5.40)

D. The Chair of the Board of commissioners or the county commissioner who presided at the meeting at which the ordinance was approved shall sign all ordinances within three (3) days after adoption. (Charter, 5.40)

E. A proposed ordinance that has failed to pass shall not be eligible for reconsideration by the Board unless the procedure prescribed in Subsection B. of this Section is reinitiated and followed.

Section 16. Procedures in the Event of Vacancies.

In the event that any County Commissioner position becomes vacant, the following procedures shall govern disposition of staff and property associated with that position:

A. Staff personnel appointed by the individual commissioner who has left office shall be terminated as Multnomah County employees at the end of the second working day following the vacation of the office, unless the Board, prior to the expiration of the two working

day period, votes to retain one or more of those staff personnel as temporary Board employees.

B. Property exclusively budgeted for and used by a commissioner who vacates his or her office including budgeted funds, shall be under the general care and management of the Chair until the vacancy is filled.

Section 17. Publication of Rules.

These rules shall be placed of record with the Clerk of the Board, and be available to the public at all Board meetings and shall be distributed to each Commissioner and the County Executive.

Section 18. Amendment and Suspension of Rules.

Any rule of procedure not required by law or the Charter may be amended, suspended or repealed at any meeting by the vote of three (3) members of the Board.

Section 19. Adoption.

These rules replace the rules adopted July 2, 1979 as amended through March 20, 1986, and become effective on the date of adoption of these rules.

DATED this 8th day of January, 1987.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY

(SEAL)

By GLADYS Mc COY /s/
Gladys McCoy, Chair

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
For Multnomah County, Oregon

PETER KASTING /s/
Peter Kasting, Assistant County Counsel

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