

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 4, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Rick Bauman and Sharron Kelley present, and Commissioner Pauline Anderson absent.

3. CU 19-90 DENY ENTIRE APPLICATION for a conditional use to allow the transfer of nursery related products, for property located at 9825 NW Kaiser Road

Planning Director Lorna Stickel reported that an appeal had been filed in this matter, and submitted copies of the Notice of Review. Ms. Stickel related that appellant asks for an October 23 hearing date, and advised that the matter will have to be heard de novo because there are no Planning Commission tapes.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Kelley, it was UNANIMOUSLY ORDERED that a de novo hearing on item CU 19-90 be scheduled for 9:30 a.m., Tuesday, October 23, 1990.

6. PD 1-90a DENY requested modification of Conditions of Approval of PD 1-90 and ZC 1-90 as proposed by the applicant;

APPROVE MODIFICATION OF CONDITION #1 to allow a phased development within Phase 1 to include only that pre-1963 area above 210 foot elevation, and inclusion of a 30 day selection period as a second paragraph of Condition #2. Further, required that the grading and landscaping required by Conditions #5 and #6 of the Final Order be completed in the Phase 2 area within one year of completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approvals shall remain in full force and affect, all for property located at 13300 SE Holgate Blvd

Planning Director Lorna Stickel reported that an appeal had been filed in this matter, and submitted copies of the Notice of Review. Ms. Stickel advised that due to the holiday, staff did not contact applicant regarding its preference to the hearing date, but since appellants request that the matter not be heard on October 2, staff recommends the Board hear the matter on either October 9 or September 25.

In response to a question of Chair McCoy, Ms. Stickel advised the matter has to be heard de novo because there is no tape recording of the Planning Commission hearing with which to prepare a transcript. Ms. Stickel reported her staff would be receiving additional training on use of the Board tape recorder and will bring a backup machine to ensure future Planning Commission hearings are recorded.

In response to Chair McCoy asking whether the Board could limit its hearing to just the issue on appeal, County Counsel Larry Kressel suggested unrepresented appellants might not limit their testimony to a single issue.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Bauman, it was UNANIMOUSLY ORDERED that a de novo hearing on item PD 1-90a be scheduled for 9:30 a.m., Tuesday, September 25, 1990.

1. CS 5-90 APPROVE, SUBJECT TO CONDITIONS, change in community service designation on a portion of the subject site to allow two of the existing classrooms to be used for day care purposes, for property located at 14750 SE Clinton Street
2. CU 18-90 APPROVE, SUBJECT TO CONDITIONS, development of this property with a non-resource related single family residence, for property located at 6733 NW Cornell Road
4. CU 17-90 APPROVE, SUBJECT TO CONDITIONS, a five year extension of the mining operation and an expansion of that existing mining operation onto an adjacent 42 acre parcel, plus a continuation of the present hours of operation;
DENY request of a blanket approval for occasional Sunday operation, all for property located at 14545 NW St. Helens Road
5. CU 16-90 APPROVE, SUBJECT TO CONDITIONS, requested conditional use for a cottage industry, in order to remodel an existing garage into an office, recording studio and shipping area, with no walk-in customer traffic, all orders to be received and filled by mail, all with a maximum of five employees, for property located at 6920 SE Hogan Road

Chair McCoy acknowledged the foregoing August 13, 1990 Decisions of the Planning Commission.

There being no further business, the meeting was adjourned at 9:40 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH L. ROGERS

0077C/6-7/dr

ANNOTATED MINUTES

Tuesday, September 4, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

The following Decisions of the Planning Commission of August 13, 1990 are reported to the Board for acknowledgement by the Presiding Officer:

1. CS 5-90 APPROVE, SUBJECT TO CONDITIONS, change in community service designation on a portion of the subject site to allow two of the existing classrooms to be used for day care purposes, for property located at 14750 SE Clinton Street

ACKNOWLEDGED.

2. CU 18-90 APPROVE, SUBJECT TO CONDITIONS, development of this property with a non-resource related single family residence, for property located at 6733 NW Cornell Road

ACKNOWLEDGED.

3. CU 19-90 DENY ENTIRE APPLICATION for a conditional use to allow the transfer of nursery related products, for property located at 9825 NW Kaiser Road

STAFF ADVISED AN APPEAL WAS FILED IN THIS MATTER. DE NOVO HEARING SCHEDULED FOR 9:30 AM, TUESDAY, OCTOBER 23, 1990.

4. CU 17-90 APPROVE, SUBJECT TO CONDITIONS, a five year extension of the mining operation and an expansion of that existing mining operation onto an adjacent 42 acre parcel, plus a continuation of the present hours of operation;
DENY request of a blanket approval for occasional Sunday operation, all for property located at 14545 NW St. Helens Road

ACKNOWLEDGED.

5. CU 16-90 APPROVE, SUBJECT TO CONDITIONS, requested conditional use for a cottage industry, in order to remodel an existing garage into an office, recording studio and shipping area, with no walk-in customer traffic, all orders to be received and filled by mail, all with a maximum of five employees, for property located at 6920 SE Hogan Road

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6. PD 1-90a DENY requested modification of Conditions of Approval of PD 1-90 and ZC 1-90 as proposed by the applicant;

APPROVE MODIFICATION OF CONDITION #1 to allow a phased development within Phase 1 to include only that pre-1963 area above 210 foot elevation, and inclusion of a 30 day selection period as a second paragraph of Condition

6. PD 1-90a - continued

#2. Further, required that the grading and landscaping required by Conditions #5 and #6 of the Final Order be completed in the Phase 2 area within one year of completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approvals shall remain in full force and affect, all for property located at 13300 SE Holgate Blvd

STAFF ADVISED AN APPEAL WAS FILED IN THIS MATTER. DE NOVO HEARING SCHEDULED FOR 9:30 AM, TUESDAY, SEPTEMBER 25, 1990.

Tuesday, September 4, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Briefing on Community Children and Youth Services Commission Plan Amendment for Intervention Programs. Presented by Judge Linda Bergman, Duane Zussy and Michael Morrissey.

BOARD TO CONSIDER APPROVAL OF PLAN AMENDMENT AT FUTURE FORMAL MEETING. STAFF TO PREPARE CONTINGENCY REQUEST FOR SEX OFFENDER PROGRAM INTERIM FUNDING.

2. Briefing on Meal-A-Gram Program. Presented by Anne Kelly Feeney.

STAFF TO PREPARE AND SUBMIT A PROCLAMATION DECLARING OCTOBER 18, 1990 AS MULTNOMAH COUNTY MEAL-A-GRAM DAY, FOR FORMAL BOARD ACTION.

3. Briefing on Estimate of 14th Floor Remodeling Costs Necessary to Accomodate New Employees from the Library. Presented by Barbara Simon.

4. Informal Review of Formal Agenda of September 6, 1990

R-3 STAFF TO PROVIDE COMMISSIONER KELLEY WITH ADDITIONAL BACKGROUND INFORMATION. STAFF TO PROVIDE BOARD WITH RESTITUTION CENTER POPULATION STATISTICS FROM MAY 9, 1990.

R-5 CORRECTION TO AGENDA TITLE TO READ TRANSFER FROM INSURANCE FUND CONTINGENCY TO INSURANCE FUND EXPENDITURES.

R-11 UNANIMOUS CONSENT ITEM SUBMITTED AT THE REQUEST OF BOUNDARY COMMISSION, FOR BOARD APPROVAL TO PLACE ANNEXATION PROPOSAL ON NOVEMBER 6, 1990 BALLOT.

Thursday, September 6, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

NON-DEPARTMENTAL

C-1 In the Matter of the Appointment of Carole Murdock as Multnomah County Representative to the Federal Emergency Management Agency (FEMA) Board

APPROVED.

C-2 In the Matter of the Appointment of Johnetta Burkett to the Child Abuse Prevention Task Force

APPROVED.

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

C-3 Ratification of an Intergovernmental Agreement Between Multnomah County Social Services Division and Barlow-Gresham Union High School District Number U2-20 JT, to Provide Mental Health Services to Youth for Fiscal Year 1990-91

APPROVED.

C-4 Ratification of an Intergovernmental Agreement Between Multnomah County Social Services Division and David Douglas School District Number 40, to Provide Mental Health Services to Youth for Fiscal Year 1990-91

APPROVED.

C-5 Ratification of an Intergovernmental Agreement Between Multnomah County Social Services Division and Gresham Grade School District Number 4, Dexter McCarty Middle School, to Provide Mental Health Services to Youth for Fiscal Year 1990-91

APPROVED.

C-6 Ratification of an Intergovernmental Agreement Between Multnomah County Social Services Division and Parkrose School District Number 3, to Provide Mental Health Services to Youth for Fiscal Year 1990-91

APPROVED.

C-7 Ratification of an Intergovernmental Agreement Between Multnomah County Social Services Division and Gresham Grade School District Number 4, Gordon Russell Middle School, to Provide Mental Health Services to Youth for Fiscal Year 1990-91

APPROVED.

JUSTICE SERVICES

COMMUNITY CORRECTIONS

- C-8 Ratification of an Intergovernmental Agreement Between Multnomah County and the Oregon Health Sciences University School of Nursing to Provide Evaluation Services to the Office of Women's Transition Services Alcohol and Drug Abuse Prenatal Treatment Program for Fiscal Year 1990-91

APPROVED.

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 Notice of Intent to Apply for a Grant from the Oregon Criminal Justice Services Division to Fund an Assistant Attorney General in the Multnomah County District Attorney's Office to Prosecute Criminal Gang Cases within the Gang Prosecution Project

APPROVED.

SHERIFF'S OFFICE

- R-2 Budget Modification MCSO #4 Adding \$1,150 to the Supplies Line Item in the Canine Unit Budget and the Crime Prevention Unit to Match Donations Received for Canine and Crime Prevention Activities

APPROVED.

- R-3 Budget Modification MCSO #5 Revising Multnomah County Restitution Center Expansion Appropriation Amounts to Fund 10 Beds for the Entire Year Instead of 20 Beds for 8.5 Months

TABLED. REMOVED FROM AGENDA AT SHERIFF'S REQUEST.

DEPARTMENT OF GENERAL SERVICES

- R-4 Ratification of a Contract Extension Between Multnomah County, the Multnomah County Sheriff and the Multnomah County Deputy Sheriff's Association from 6/30/91 to 6/30/92

APPROVED.

- R-5 Budget Modification DGS #1 Authorizing Transfer from Insurance Fund Contingency to Insurance Fund Expenditures to Provide Funding for a Countywide Multi-Cultural Diversity Training Program

APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 ORDER in the Matter of Rescinding Contract 15553 with Leon Hoke for the Sale of Certain Real Property within Marquam Nature Park

ORDER 90-131 APPROVED.

R-7 ORDER of Final Vacation No. 4985 in the Matter of Vacation of NW Electric Avenue in Barnes Park Heights, Section 36, T1N, R1W, WM, Multnomah County, Oregon

ORDER 90-132 APPROVED.

R-8 ORDER of Final Vacation No. 4987 in the Matter of Vacation of SW Pomona Street from SW Aventine Avenue to SW Daphne Avenue in Palatine Hill No. 3, Section 34, T1S, R1E, WM, Multnomah County, Oregon

ORDER 90-133 APPROVED.

R-9 Ratification of an Intergovernmental Agreement Between Multnomah County and the Multnomah County Amateur Radio Emergency Service to Provide Amateur Radio Operators in the Event of a Major Emergency or Disaster

APPROVED.

R-10 Ratification of an Intergovernmental Agreement Between State Forestry, the United States Forestry Service and Multnomah County, to Participate in the Incident Command System Overhead Team Shadow Program

APPROVED.

UNANIMOUS CONSENT ITEM

R-11 RESOLUTION in the Matter of Calling an Election on Annexation Proposal No. 2813 to the City of Portland as a Result of Remonstrance to the Annexation

RESOLUTION 90-134 APPROVED.

Thursday, September 6, 1990 - 11:30 AM
Portland Building, 15th Floor Conference Room

PUBLIC HEARING

Pursuant to ORS 294.655, the Tax Supervising and Conservation Commission will Conduct a Public Hearing on the \$23,800,000 General Obligation Bond Proposal for Financing Reconstruction of the Donald E. Long Home

0077C/1-5/dr
9/6/90



MULTNOMAH COUNTY OREGON

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

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

SEPTEMBER 3 - 7, 1990

Tuesday, September 4, 1990 - 9:30 AM - Planning Items. . . Page 2
Tuesday, September 4, 1990 - 1:30 PM - Informal Briefings. Page 3
Thursday, September 6, 1990 - 9:30 AM - Formal Meeting . . Page 3
Thursday, September 6, 1990 - 11:30 AM - Public Hearing. . Page 5
Tax Supervising and Conservation Commission

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

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

Tuesday, September 4, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

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2. Briefing on Meal-A-Gram Program. Presented by Anne Kelly Feeney.
3. Briefing on Estimate of 14th Floor Remodeling Costs Necessary to Accomodate New Employees from the Library. Presented by Barbara Simon.
4. Informal Review of Formal Agenda of September 6, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, September 6, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Carole Murdock as Multnomah County Representative to the Federal Emergency Management Agency (FEMA) Board
- C-2 In the Matter of the Appointment of Johnetta Burkett to the Child Abuse Prevention Task Force

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

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CONSENT CALENDAR - continued

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COMMUNITY CORRECTIONS

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REGULAR AGENDA

JUSTICE SERVICES

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- R-1 Notice of Intent to Apply for a Grant from the Oregon Criminal Justice Services Division to Fund an Assistant Attorney General in the Multnomah County District Attorney's Office to Prosecute Criminal Gang Cases within the Gang Prosecution Project

SHERIFF'S OFFICE

- R-2 Budget Modification MCSO #4 Adding \$1,150 to the Supplies Line Item in the Canine Unit Budget and the Crime Prevention Unit to Match Donations Received for Canine and Crime Prevention Activities
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REGULAR AGENDA - continued

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- R-6 ORDER in the Matter of Rescinding Contract 15553 with Leon Hoke for the Sale of Certain Real Property within Marquam Nature Park
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- R-9 Ratification of an Intergovernmental Agreement Between Multnomah County and the Multnomah County Amateur Radio Emergency Service to Provide Amateur Radio Operators in the Event of a Major Emergency or Disaster
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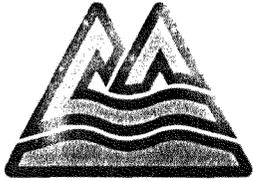
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0702C/44-48/dr
8/29/90



MULTNOMAH COUNTY OREGON

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Tuesday, September 4, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

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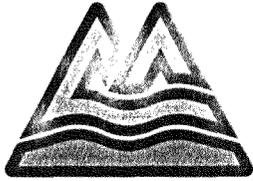
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MULTNOMAH COUNTY OREGON

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STAFF ADVISED AN APPEAL WAS FILED IN THIS MATTER. DE NOVO HEARING SCHEDULED FOR 9:30 AM, TUESDAY, OCTOBER 23, 1990.



MULTNOMAH COUNTY OREGON

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MULTNOMAH COUNTY OREGON

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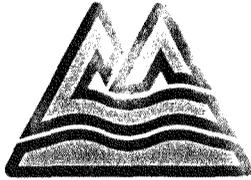
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MULTNOMAH COUNTY OREGON

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SUPPLEMENTAL AGENDA

Thursday, September 6, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

UNANIMOUS CONSENT ITEM

R-11 RESOLUTION in the Matter of Calling an Election on Annexation Proposal No. 2813 to the City of Portland as a Result of Remonstrance to the Annexation

0702C/49/dr
9/4/90



MULTNOMAH COUNTY OREGON

#1-6

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

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BOARD OF COUNTY COMMISSIONERS

Tuesday, September 4, 1990

9:30 a.m., Room 602

A G E N D A

1990 AUG 29 PM 1:50
MULTNOMAH COUNTY
OREGON

The following Decision is reported to the Board for acknowledgement by the Presiding Officer:

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- CU 18-90 **Approve, subject to conditions**, development of this property with a non-resource related single family residence, for property located at **6733 NW Cornell Road.**

- CU 19-90 **Deny entire application** for a conditional use to allow the transfer of nursery related products, for property located at **9825 NW Kaiser Road.**

- CU 17-90 **Approve, subject to conditions**, a five-year extension of the mining operation and an expansion of that existing mining operation onto an adjacent 42-acre parcel, plus a continuation of the present hours of operation;
Deny request of a blanket approval for occasional Sunday operation, all for property located at **14545 NW St. Helens Road.**

- CU 16-90 **Approve, subject to conditions**, requested conditional use for a cottage industry, in order to remodel an existing garage into an office, recording studio and shipping area, with no walk-in customer traffic, all orders to be received and filled by mail, all with a maximum of five employees, for property located at **6920 SE Hogan Road.**

PD 1-90-a , Deny requested modification of Conditions of Approval of PD 1-90 and ZC 1-90 as proposed by the applicant;
Approve modification of Condition #1 to allow a phased development with Phase 1 to include only that pre-1963 area above 210-foot elevation, and inclusion of a 30-day selection period as a second paragraph of Condition #2. Further, required that the grading and landscaping required by Conditions #5 and 6 of the Final Order be completed in the Phase 2 area within one year of the completion of Phase 1. All other conditions of the PD 1-90 and ZC 1-90 approvals shall remain in full force and affect., all for property located at **13300 SE Holgate Blvd.**



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions
August 13, 1990.

CS 5-90, #408

Community Service Request

(Day Care Program)

Applicant requests change in community service designation on a portion of the subject site to allow two of the existing classrooms to be used for day care purposes.

Location: 14750 SE Clinton Street
Legal: Tax Lot '263', Section 12, 1S-2E, 1989 Assessor's Map
Site Size: 9.78 Acres
Size Requested: Same
Property Owner: Centennial School District
18135 SE Brooklyn Street 97236
Applicant: Same
Comprehensive Plan: Urban Single Family Residential
Present Zoning: LR-7, C-S, single family residential-community service

Planning Commission

DECISION: APPROVE change in community service designation on a portion of the subject site to allow two of the existing classrooms to be used for day care purposes, based upon the following Findings and Conclusions.

106-60

S E DIVISION STREET

NC

GC

(Fred Meyer)

Zoning Map
 Case #: CS 5-90
 Location: 2801 SE 148th Avenue
 Scale: 1 inch to 200 feet
 Shading indicates subject property

NC 239
ZC 34-86
ZC 17-86
295
80.41

HR 2

ZC 56-69

ZC 180-60

-67

ZC 25-67

MR-3

S E CLINTON STREET

MR-4

MR-3

LR-7

WIDE MAR
DOWN

LR-7

LR-7

TAGGART

XC 42-E

LR-3

ALONZO GATE D.L.C.

WOODWARD

LR-7

C'S

MR-3

WOODWARD

LR-7

PARK

LR-7

FLORIAN

MEADOWS

CS 35-38

CS 16-70

SE 147th RD

MEADOWS

MR-3

LR-7

CS

MR-3

POWELL BLVD

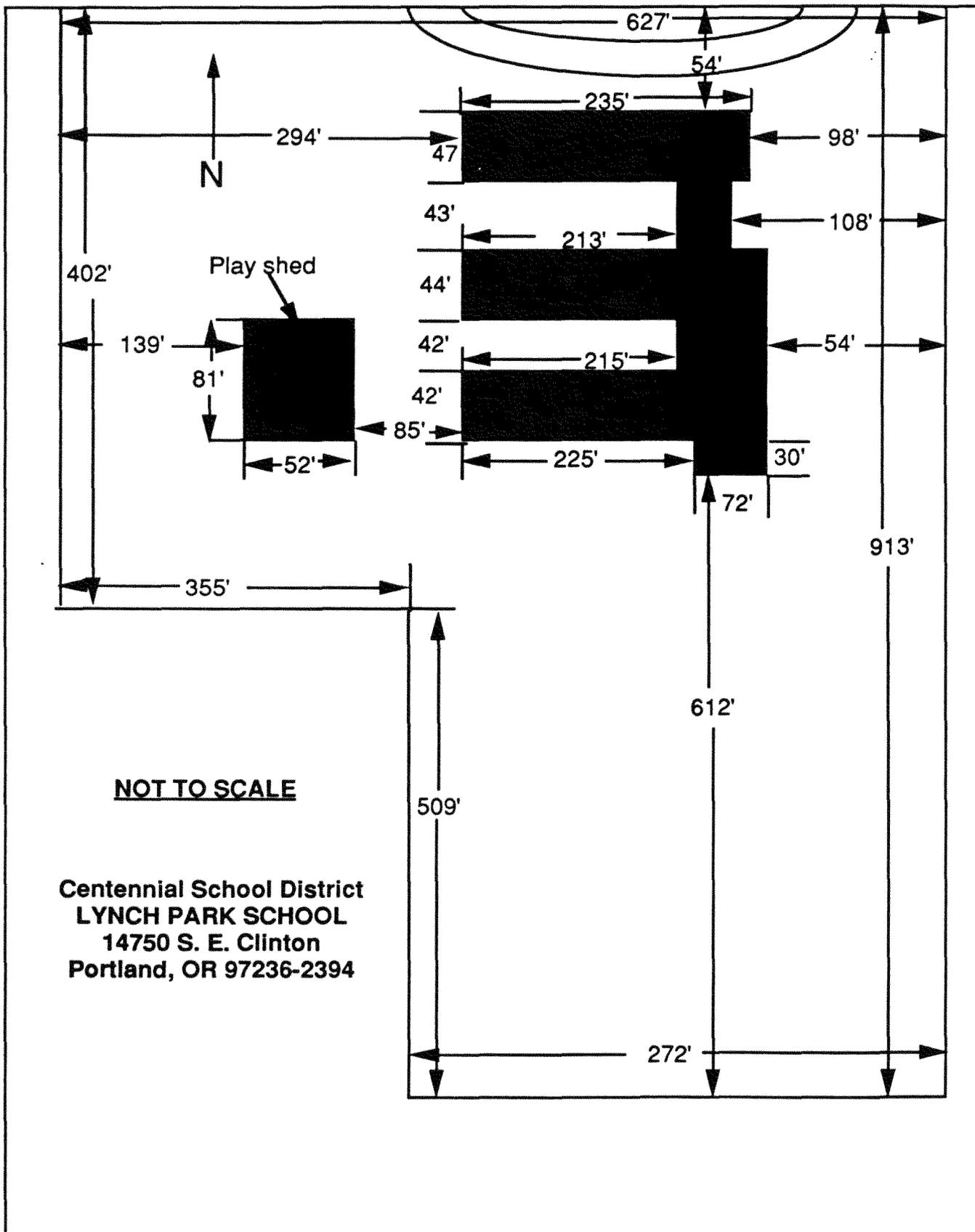
MR-3

LR-7

MR-3

LR-7

S.E. CLINTON STREET



NOT TO SCALE

**Centennial School District
LYNCH PARK SCHOOL
14750 S. E. Clinton
Portland, OR 97236-2394**

S.E. 148th Avenue

Conditions:

1. Obtain Design Review approval of any proposed site improvements.
2. Applicant shall satisfy applicable requirements of Engineering Services regarding any proposed future improvements of SE Clinton Street.
3. Obtain sign permits for any proposed signage.
4. The facility operations shall be limited as specified in the application except as modified herein.

Findings of Fact:

1. **Applicant's Proposal:** Applicant proposes to establish a privately operated day care center within an existing school structure located at 14750 SE Clinton Street. The request requires that the County apply a Community Service Designation to the property.
2. **Ordinance Considerations:** The burden is on the applicant for a Community Service designation to demonstrate 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.
3. **Site and Vicinity Characteristics:** The subject property is located on the southwest corner SE 148th and Clinton. The site is developed with a school building that is currently used for kindergarten and for alternative school related uses Head Start, Mt. Hood and East County Step and administrative uses.

Surrounding land uses include single family residences to the west and south, and the Fred Meyer shopping complex to the north.

4. **Analysis of Ordinance Criteria:** Designation of this site as a Community Service for a child day care center is found to satisfy the applicable ordinance criteria as follows:
- A. *Consistency With the Character of the Area:* The character of the surrounding area is commercial and single family residential. The school has existed at this location since the mid-fifties and serves as a buffer between the commercial and residential uses.
 - B. *Affect on Natural Resources:* No significant natural resources have been identified to exist on this site.
 - C. *Compatibility With Farm and Forest Uses:* No applicable farm or forest uses will be affected by this proposal since the property is with the urban area.
 - D. *Public Services:* All public services necessary to support the proposed development are available along the SE 148th and Clinton Street frontages at this time.
 - E. *Big Game Winter Habitat:* The site is not in an area designated for Big Game Winter Habitat.
 - F. *Hazardous Conditions:* No hazardous conditions are known to affect this site. The access drive and on-site circulation of vehicles will be reviewed through the Design Review process and the Engineering Services access permit.
 - G. *Comprehensive Plan Policies:* The following Comprehensive Framework Plan Policies are found to apply to this proposal:

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

There are no aspects of the air or water quality levels that would be affected by development of this property for a day care center. The proposed day care center may generate noise (*i.e.*, children playing in the yard) however, noise levels should be no greater than when the property was used exclusively for elementary school purposes.

(2) *No. 14-Development Limitations*

There are no identified development limitations that have been identified that would prevent this proposed project.

(3) *No. 16 - Natural Resources*

No natural resources have been identified that would be effected by the proposed complex.

(4) *No. 31 - Community Facilities and Uses:*

This proposal qualifies as a Minor Community Facility. It satisfies the locational criteria of this policy as follows:

(a) Access:

- The vehicular access standard for a Minor Community Facility is that the use should have direct access to a collector (or greater classification) street and no routing of traffic through local neighborhood streets. SE 148th Avenue is a major arterial and therefore the site meets the locational standard of Policy 31.
- Engineering Services indicates the existing roadway capacity of SE 148th Avenue is adequate to handle the volume of traffic at this time and that no dangerous intersections or traffic congestion will result from this proposal.

(b) Impact on Adjacent Lands:

- The day care center will be used during normal weekday hours only, with no child care permitted after 7:00 P.M. The day and time limits on the use will minimize impacts to surrounding residences.
- Design Review will further insure that the use is adequately buffered from surrounding properties.

(c) Site Characteristics: There are no unique natural features or topographic conditions that have been identified that would preclude the site from being developed as proposed. A pick-up/drop-off loop drive currently exists on the site. The site also provides adequate outside play area for the day care use.

(5) *No. 37 - Utilities:*

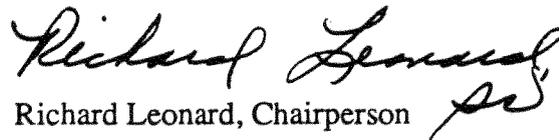
The site is adequately served by telephone, gas and electric facilities along the 148th and Clinton Street frontages. On-site systems for sewer and storm drainage will not require alteration to accommodate the new use.

Conclusion:

1. The proposal, as conditioned, satisfies applicable approval criteria for an alteration of the Community Service designation.

In the Matter of CS 5-90

Signed August 13, 1990


Richard Leonard, Chairperson

Filed with Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00 am on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
August 13, 1990

CU 18-90, #124

Conditional Use Request

(Non-Resource Related Single Family Residence)

Applicant requests conditional use approval of a non-resource related single family residence on a 9.45 acre Lot of Record in the MUF-19 zoning district

Location: 6733 NW Cornell Road

Legal: Tax Lot '22', Section 25, T1N, R1W, 1990 Assessor's Map

Site Size: 9.45 acres

Size Requested: Same

Property Owner: Paul Brown
2134 NW Aspen Street, 97210

Applicant: Denis & Alena Wheary
2801 SW Troy Street, 97219

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19
Minimum lot size of 19 acres

Planning Commission

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

:

CU 18-90

9.00 Ac

MUF -19

Zoning Map
 Case #: CU 18-90
 Location: 6733 NW Cornell Road
 Scale: 1 inch to 200 feet
 Shading indicates subject property

WILLAMETTE

WILLAMETTE MERIDIAN

150
 581
 (85)
 2.00 Ac.
 150

532.76'
 642.75
 (10)
 7.85 Ac.
 MUF -19
 532.79' Calc.
 606.97' Calc.

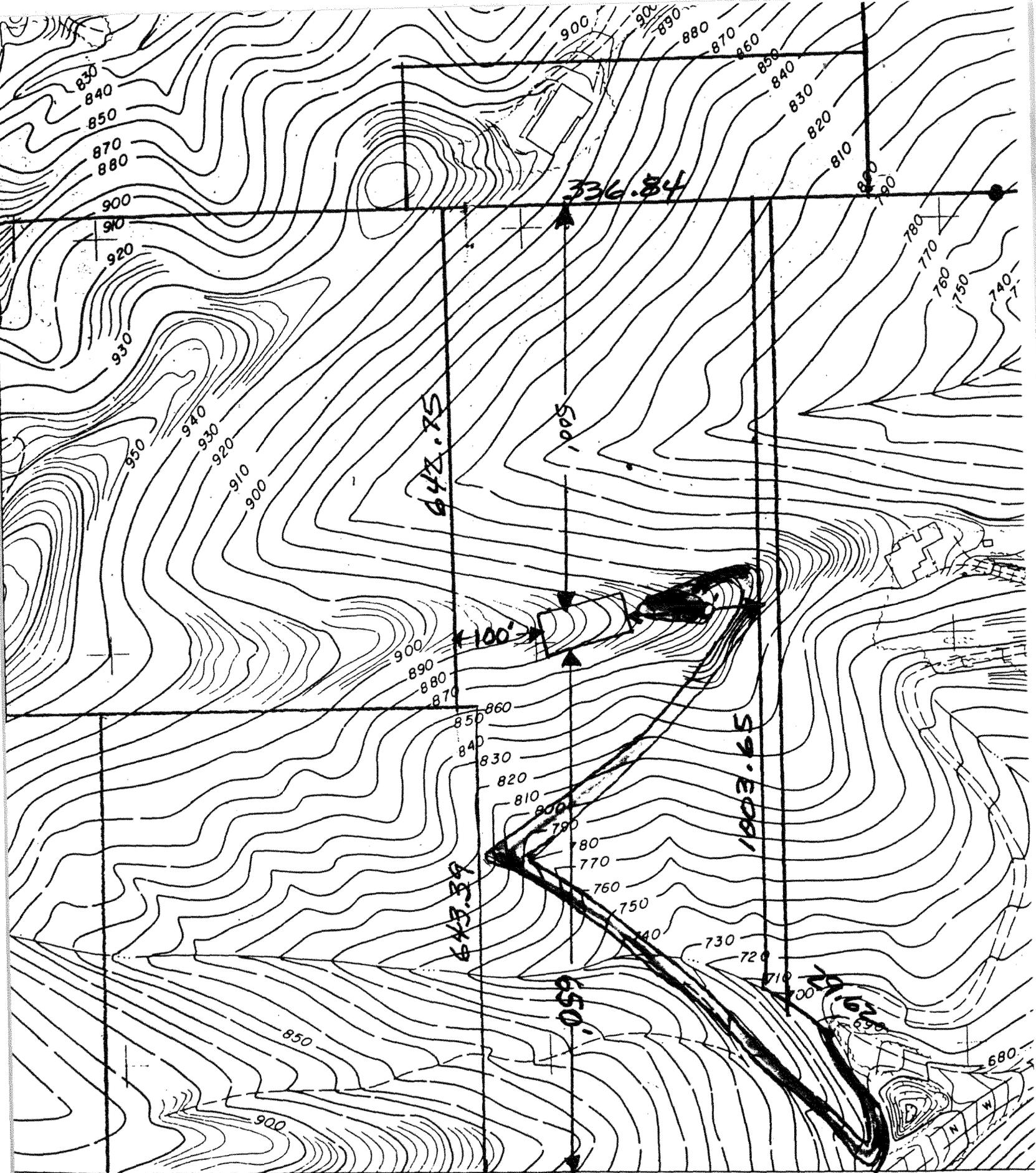
581
 336.78
 (22)
 2.45 Ac.
 123
 2.6 Ac.
 123
 2.6 Ac.

668.2'
 MUF -19
 (21)
 1534 Ac.
 MUF -19

PORTLAND CITY LIMITS
 (11)
 6.01 Ac.
 MUF -19

PORTLAND CITY LIMITS
 MUF -19 (92)
 2.45 Ac.

CITY OF PORTLAND
 R-10
 R-10
 NW CORNELL ROAD
 1409-60
 1 2 3 4



SCALE 1:1,200
 100 200 300 400 500 Feet

Contour interval = 2 feet
 City Datum - 1.375 = U.S.C. & G.S. Datum
 Regular grid based on Lambert Projection, State of Oregon, North Zone

SITE PLAN
 CU 18-90
PROPOSED HOMESITE

Aerial Photography Dated:
 March 21, 1974

SE 1/4	T
SEC. 25	R

ROAD

CONDITIONS OF APPROVAL:

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

FINDINGS OF FACT:

I. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 8.89 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

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

- (4) The dwelling will not require public services beyond those existing or programmed for the area.
- (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
- (6) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts are acceptable.

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

- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
- (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
- (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
- (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
- (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
- (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
- (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;

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

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of 9.45 acres located on the north side of NW Cornell Road approximately one-fourth of a mile northeast of Skyline Blvd. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area.

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

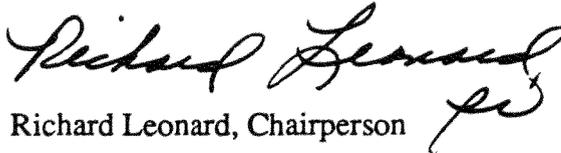
The applicant proposes to locate the residence on the property in compliance with the Residential Location Standards of the MUF zone. Water will be provided by private well and the property will need to be tested to determine its suitability for subsurface sewage disposal. Telephone and power facilities are available along the NW Cornell Road frontage.

CONCLUSIONS:

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

In the Matter of CU 18-90

Signed August 13, 1990


Richard Leonard, Chairperson

Filed with Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00 a.m. on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.



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

Decision

This Decision consists of Findings of Fact and Conclusions

August 13, 1990

CU 19-90, #90

Conditional Use Request (Transfer of Nursery Related Products)

Applicant requests conditional use approval in order to operate a commercial business in an EFU (exclusive farm use) zone. The business would include the sale and storage of bark mulch, sawdust, wood chips and related nursery products.

Location: 9825 NW Kaiser Road
Legal: Tax Lot '45', Section 6, 1N-3W, 1990 Assessor's Map
Site Size: 7.48 Acres
Size Requested: Same
Property Owner: Bowlus and Lynne D. Chauncey
9825 NW Kaiser Road, 97231
Applicant: Same
Comprehensive Plan: Exclusive Farm Use
Present Zoning: EFU, Exclusive Farm Use District

PLANNING COMMISSION

DECISION: DENY the requested Conditional Use
based on the following Findings and Conclusions.

CU 19-90

9.85 Ac.

'21'
8.99
MUA-20

'8±
2.4 Ac.

'12'
2.40 Ac.

'48'
2.40

'38'
3.08 Ac.

'49'
3.71 Ac.

628.27
(43)
2.90 Ac
628.27

EFU (4)
17.64 Ac.

N
↑

Case #: CU 19-90
Location: 9825 NW Kaiser Road
Scale: 1 inch to 400 feet
Shading indicates subject property

'27'
1.00 Ac.
228.06

'30'
7.94 Ac.

EFU

(25)
132
MUF
-19

'55'
38.68 Ac.

(12)
24.62 Ac.
EFU

EFU

KAISER ROAD

NW KAISER RD

109.16
406.86
115.76
184.34

(39)
2.00 Ac.

(40)
3.84 Ac.

(13)
1.48 Ac.

(52)
2.10 Ac.

'2'
19.00 Ac.

SC

EFU

(44)
25.70 Ac.

EFU

(41)
9.94 Ac.

Map base adapted from
Mult Co Assessor's
1990 "400 Scale" map

7-79
p
(SEE LAND
DIVISION STAFF
CONCERNING
ILLEGAL LOT
6-7-84)

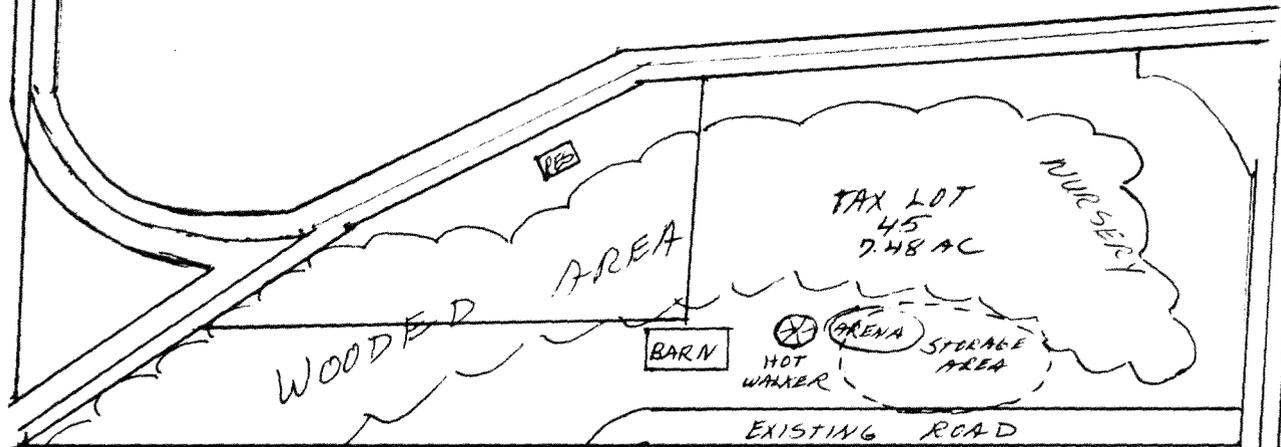
1383.74
Washington County

N W KAISER ROAD

FARM + NURSERY

FARM + PASTURE

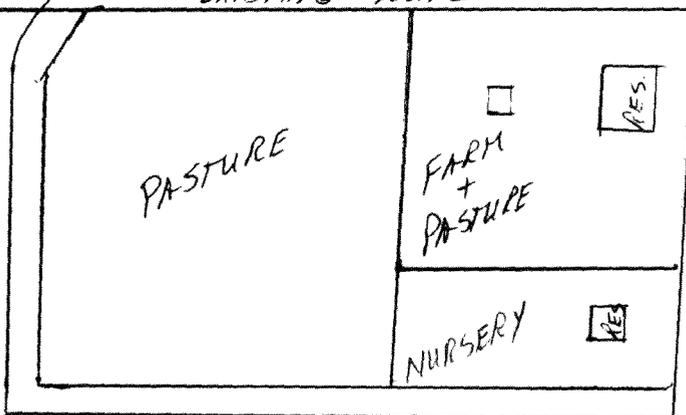
FARM



EXISTING ROAD

FARM + PASTURE

PASTURE + FARM



FARM

RES.

RES.

FARM + NURSERY

TAX LOT 44 25.70 AC (CHAUNCEY)

FARM

FARM + PASTURE

19.70 AC



NURSERY

FARM

WASHINGTON COUNTY

FARM

CU 19-90

Findings of Fact:

1. Summary and Background of the Proposal:

The applicant requests approval to operate a commercial wood products business within an Exclusive Farm Use (EFU) district. They describe their request as follows:

"We, Lynne D. and Bowlus Chauncey, propose to stockpile, on a small scale, load and deliver various related wood by-products from an approximate 70' x 225' area, incl., to nurserymen, animal farmers, businesses and private individuals. The majority of our product is picked up at the mills and delivered directly to the customer. Multnomah County Fair and Portland Meadows are two such accounts.

The idea of Beaver Bark was conceived when it became increasingly more difficult to obtain at a retail level the cedar chips, shavings, and Hawg fuel needed for our Arabian horse farm. After locating these products at the wholesale level, we began stockpiling for our own use. Then several neighboring nursery growers began to notice and asked if we could get shavings, sawdust, and compost for them. Word spread fast, even beyond our hill neighborhood. It was at this time we determined that it was possible for our family to actually make a profit by supplying these products to friends, neighbors, etc."

The County was notified of the bark dust/bark mulch business in February, 1990 through a zoning violation complaint. Staff determined that the activity was not authorized by any previous land use approvals and it therefore violated the County Zoning Ordinance. Mr. and Mrs. Chauncey were notified of the zoning violation in a letter dated May 23, 1990. The request for a Conditional Use was filed July 6, 1990.

2. Site and Vicinity Information:

The applicants own two contiguous tax lots: a 7.48 acre parcel (T.L.'45') – where the bark and mulch is stored and processed, and a 25.70 acre property (T.L.'44') – where they maintain two houses: a primary farm related residence, and a "farm help" residence (reference PRE 50-81). The 33.18 acres generally slopes gently to the west and south. It is principally open field and pasture land, with some wooded areas in the northeast and northwest portions of the site. The two houses are in the south-central portion of the 33.18 acres. A barn near the north boundary adjoins the bark-mulch storage area. A gravel drive loops though the site. It accesses Kaiser Road at the southeast corner of Tax Lot '45' and again at the north end of the Kaiser Road frontage on Tax Lot '44'.

Surrounding properties are zoned EFU. Parcel sizes in the vicinity vary; several smaller sites (2–10 acres) are generally developed with rural non-farm residences.

There are a number of larger parcels nearby as well (20–40 acres) with farm operations and farm related residences. Several nearby farms east and north of Kaiser Road are characterized by gently rolling pasture or wheat fields, sloping generally to the southwest.

3. Zoning and Comprehensive Plan Designations:

The plan designation of the parcel is **Agriculture**. The parcel is zoned EFU, **Exclusive Farm Use**.

4. Ordinance Considerations:

Conditional uses allowed in the EFU zone are specified in MCC 11.15.2012. Subsection (B)(1) specifies “...*Commercial activities that are in conjunction with farm uses*”. Subsection (B)(5) specifies “...*Facilities for the primary processing of forest products, pursuant to ORS 215.213(2)(i)*”. Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. Based on testimony heard on 8/13/90, the proposed business is not “primary processing of forest products”, since the bark material brought to the site is already ground. The proposed use is “secondary” processing of the forest product, since the bark is re-ground on the site.

The following section presents findings regarding the proposed Conditional Use Permit; the applicable standard is in ***bold italics***, applicant’s responses are presented first in *italics*, followed by staff comments.

A. Conditional Use Criteria (MCC .7120)

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

“As we live in a farm and forest area, these products are already a common sight, as are the trucks used to deliver them along with other farm and nursery products, i.e.: feed; hay; nursery stock; farm machinery and equipment; etc. The area we are using is screened from existing neighbors by trees and shrubs.

We have been stockpiling, loading, and unloading these same products for many years on this same site for our own personal use. It is only now that we are attempting it on a commercial basis.”

Staff Comment: As noted under finding #2. above, the area is generally low–density–rural–residential and agricultural in character. There are a mix of rural non–farm residences, generally on small 2 to 10 acre sites; and farm–related residences, generally on sites of 20 to 40 acres. The land on this and surrounding sites slopes generally to the southwest, and is generally rolling fields and pastures with scattered patches of woodlands. Staff observed no other commercial or industrial uses within a mile of the site.

Kaiser Road is a two lane paved rural County road with gravel shoulders. It principally serves only local residents and farmers in the area.

The bark-mulch business is not consistent with the area character in terms of its scale (several truck trips per day), its intensity (diesel trucks and chipper/grinder equipment operating several hours, 6-days/week), and its location (close to residences both north and south of the storage area). Similar noise or dust impacts associated with common agricultural practices (*i.e.* tractors, plowed fields, harvesting equipment, *etc.*) are much more infrequent and dispersed over larger areas. The diesel engine noise and fumes, chipping/grinding equipment noise, vibrations and dust occur almost daily and in a static location (relative to neighboring residences). The wood products processing activities and their off-site effects are industrial in character (secondary processing of forest products) and therefore inconsistent with the rural residential and agricultural character of the area [Reference discussion below under Policy 13, Air, Water, and Noise Quality]. It is a wholesale/retail distribution operation not typical of the farm and rural residential land uses characteristic of the area.

A(2) Will not adversely affect natural resources;

"It is not highly combustible, and as the soil in this area is composed entirely of clay, the wood by-products prove to simply enrich it."

Staff Comment: Staff concurs that the effect on natural resources is likely negligible; however, two neighbors, immediately adjacent to the wood products operation complain that dust from the chipping and grinding equipment adversely effects the air quality [Reference 8/1/90 letters from Mr. Thurber and Mr. McCallum].

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

"Our equipment is neat, clean, and in good order. It does not constitute an eyesore. However, the majority of it is parked by our barn, which is approximately 800' from the public roadway and basically hidden from view. We do not run any equipment before 8:00 AM, nor after our closest neighbors, within 150', come home from work. We do not operate on Sundays or holidays. To the best of our knowledge, the Community has welcomed our attempt, and wished us well. We have already contributed considerably to our local Skyline Auction, which benefits the many childrens' organizations in the Skyline, Cornelius Pass, Sawvie Island vicinity.

It is important to note that our land was within the Portland City limits for many years, until, after six (6) exhaustive years of concerted effort, we

became the first to successfully de-annex from the City. Per our request, it was at that time designated EFU. We did this in order to ensure the maintenance of all 33.18 acres in its entirety as a rural area for our family's future generations. This is a family endeavor."

Staff Comment: Staff concurs that the use likely has minimal adverse effects to surrounding farm or forest uses. The almost daily truck traffic on the narrow, winding rural road may conflict with transport of tractors and other farm equipment on the road; however, staff did not observe or receive reports of such conflicts.

The dust created by the chipping and grinding of wood products may adversely effect some crop potential on nearby farm land; however, staff did not observe or receive reports of such effects.

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

"Our property is located in an area of Multnomah County that receives no public services now, and our operation has no need for them."

Staff Comment: Staff concurs that the use likely creates no additional public service demands.

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

"It does not interfere with the habitat of the many animals that live in our area, which is not identified as a "Big Game Winter Habitat" area by the State."

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

A(6) Will not create hazardous conditions;

"It poses no hazard, public or otherwise."

Staff Comment: Kaiser Road is a two lane paved rural County road with gravel shoulders. It principally serves local residents and farmers in the area; it is not a primary through route for the County or region, and large truck traffic is not typical for this road. The road curves and dips throughout much of its route. It takes a 90-degree turn at the northeast corner of the site and near the southeast corner as well.

The use requires that several large trucks (18-wheelers) drive to and from the site each day. In addition, smaller trucks are reportedly used to deliver the mulched wood products to their destinations – typically adding numerous truck trips each work-day on a local rural road. This type of daily truck traffic – on a narrow rural road which was not designed for nor characterized by such traffic – creates hazards to the neighborhood.

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

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 2 (Off-site Effects), Policy 9 (Agricultural Land), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 15 (Areas of Significant Environmental Concern), Policy 16 (Natural Resources), Policy 37 (Utilities), and Policy 38 (Facilities).

a. Policy 2 – Off-Site Effects.

“Our proposal is to make an existing personal operation a commercial one. To date it has not had any “off-site” effects on surrounding properties or the community. Nor is there any reason for it to pose any deleterious effects in the future. Also, it creates absolutely no need for additional public service. It is located on level ground over 300’ from nearest creek bed. There is easy and safe Ingress and egress to and from Kaiser Road, a very limited traffic roadway. Trees and shrubs screen the operation from adjacent neighbors in all directions.”

Staff Comment: Staff concludes the use creates off-site effects to surrounding residences in terms of noise, dust, and traffic. See discussions under *A(1), Consistency With the Area Character, A(6), Hazards, and Policy 13, Air, Water, and Noise Quality.*

b. Policy 9 – Agricultural Land.

“Of the 33.18 acre farm and forest land we farm in wheat, rye, timber, nursery stock, horses, and children, an area approximately 70’ x 225’ is devoted to storage and loading of retail and personal use forest by-product. We supply much of the surrounding agricultural and nursery stock land with wood by-products for varied uses. Our predominantly clay soil is highly enriched by these forest by-products for future additional agricultural use.”

Staff Comment: The County's policy is to preserve the best agricultural lands from inappropriate and incompatible land uses. As noted above under *A(1), Consistency With the Area Character*, the commercial/industrial nature of this wood products business is not consistent with the agricultural character of the vicinity.

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

"Storage and delivery of forest by-products cause no air pollution. All product remains at ground level until loaded by farm tractor into trucks or into the barn.

Forest by-products stored at ground level do not cause hazardous leaching into underground water supplies. In fact they act as a screen or filter for polluted rain water.

The area in question is level ground over 200' from nearest creek bed.

Noise from truck and farm tractors necessary for loading or unloading of forest by-products are a more than familiar sound in this predominantly agricultural area, therefore do not constitute a noise hazard."

Staff Comment: Staff notes that the noise level, and the frequency and duration of the noise, likely exceeds that typically associated with a residence or most farm activities. While common farming activities may include the operation of tractors or other noisy machinery, the frequency and duration of these activities is only occasional, generally occurring during planting and harvest times of the year.

The bark mulch-wood products processing activity, on the other hand, creates noise effects on an almost daily basis, and for several hours each day. The principle noise effects are from diesel trucks delivering or removing the material, and from the grinding and/or sorting machinery which is used in the operation. Staff received correspondence from nearby residents regarding adverse noise and air quality effects from the requested use. A neighbor, Mr. McCallum, writes about noise and other aspects of the business in an August 1, 1990 letter: *"...Using two 40' bin trailers hauled by diesel tractor, bark and sawdust is hauled onto the property and dumped. The material is then piled and moved using one large front end loader, and several smaller loaders. Material containing large junk or rocks is sorted using a machine which is a diesel driven tub of approximately 10' diameter. This equipment spins and shakes until the chunks have been mulched, and heavier*

objects are segregated, a process requiring several hours daily. Finally, the material is reloaded to three standard dump trucks which haul away to landscape projects. An average day might be two large loads in, ten dump trucks out, and several hours of moving material in and out of the power sorter/sizer. ... All this heavy equipment is operated with maximum power and minimum muffling. Often several machines are operated simultaneously. ... In fact, our house and property serve to shelter the Chaunceys from the intense noise and billowing clouds of wood dust and dirt which arise from their industry." Mr. McCallum resides immediately south of the area used for storage and transfer of the bark and sawdust materials (9847 NW Kaiser road; Tax Lots '13' & '40').

Additional comment regarding noise and air quality effects from this use are presented in an August 1, 1990 letter from Mr. Thurber, the neighbor immediately north of the bark-mulch storage and transfer site (9865 NW Kaiser Road; Tax Lot '39'). He writes "*...The Chaunceys employ a machine which grinds up the bark chips into smaller chips or mulch. The machine is one of the noisiest, foulest implements I have ever encountered. On the average, it seems to be run between 3 and 5 times per day for between 30 and 45 minutes each time. When this machine is operating, it is impossible to carry on a normal conversation outside my house, anywhere on my property. Although there is a heavily wooded ravine between my house and their operation, the machine is only about 250 feet from my house, and the topography of the ravine has always been such that all noises from that area are not just audible, but seem to be magnified. ... Even inside the house, the noise of the machine is obnoxiously obvious, even if a radio or television set is on. And even when the machine is not on, the Chaunceys use tractors and front-loaders to move and load bark products, which by themselves are a significant increase in the noise levels in our neighborhood.*"

Staff visited the site on July 31, 1990 and observed and heard the chipper/grinder equipment in operation. We concur that the noise effects to the immediately adjacent properties are significant. For these reasons, staff concludes the proposed commercial use and wood products processing does not comply with Policy 13 of the Framework Plan.

Based upon testimony received on 8/14/90, the Commission finds that adverse air quality effects from the operation are significant, and therefore the proposal is not consistent with Policy 13.

d. Policy 14 – Development Limitations.

“Our operation is located on high level ground no where near any area of land with a high seasonal water table. Loading and unloading of timber by-products does not require excavation or any changes in the lay of the land. As the land is level and we are placing product on top of it, we thereby reduce any potential naturally occurring erosion problems.”

Staff Comment: Staff concurs.

e. Policy 15 – Areas of Significant Environmental Concern

“We are not located near a shoreline nor in an area of critical or unique habitat for man or animal. We are not in an area with significant historical or archeological features. We are not proposing any change in landscape that would impact views, vistas or public value, etc. Our land does not contain flood water storage areas.”

Staff Comment: Staff concurs.

Policy 16 – Natural Resources

“Our land is located in an area of mostly open farm land with small stands of fir trees. It does not contain mineral, aggregate, energy, or watershed areas. Nor are there significant habitat or ecological areas as designated by government policy.”

Staff Comment: Staff Concurs

Policy 37 – Utilities

“Public water, sewer, and drainage systems are unavailable in this area of Multnomah County. With no public facilities on the grounds, we have no need for water or a subsurface sewage disposal system. Neither does our operation utilize or have need for public energy or communication systems.”

Staff Comment: Staff concurs.

Policy 38 – Facilities

"Timber and bark products and by-products are not designated hazardous or highly combustible. However, our local fire department is within six (6) miles and the Washington County Fire Department that answers calls in our area is less than four (4) miles. Our well is more than adequate at a tested 42 gpm.

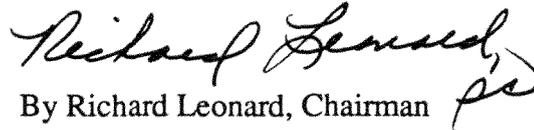
Our facility has no impact whatsoever upon the local school district; and we rarely see police or County Sheriffs in this area."

Staff Comment: Staff concurs that the use does not likely create additional demands for public services.

Conclusions:

1. Based upon the findings above, the proposal does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the hazardous traffic conditions which its truck traffic creates, and its inconsistency with Comprehensive Plan Policies regarding Off-Site Effects, Agricultural Land, and Air, Water and Noise Quality.

Signed August 13, 1990


By Richard Leonard, Chairman

Filed With the Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or **before 9:00 AM. on Tuesday, September 4, 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



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

Decision

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

CU 17-90, #66

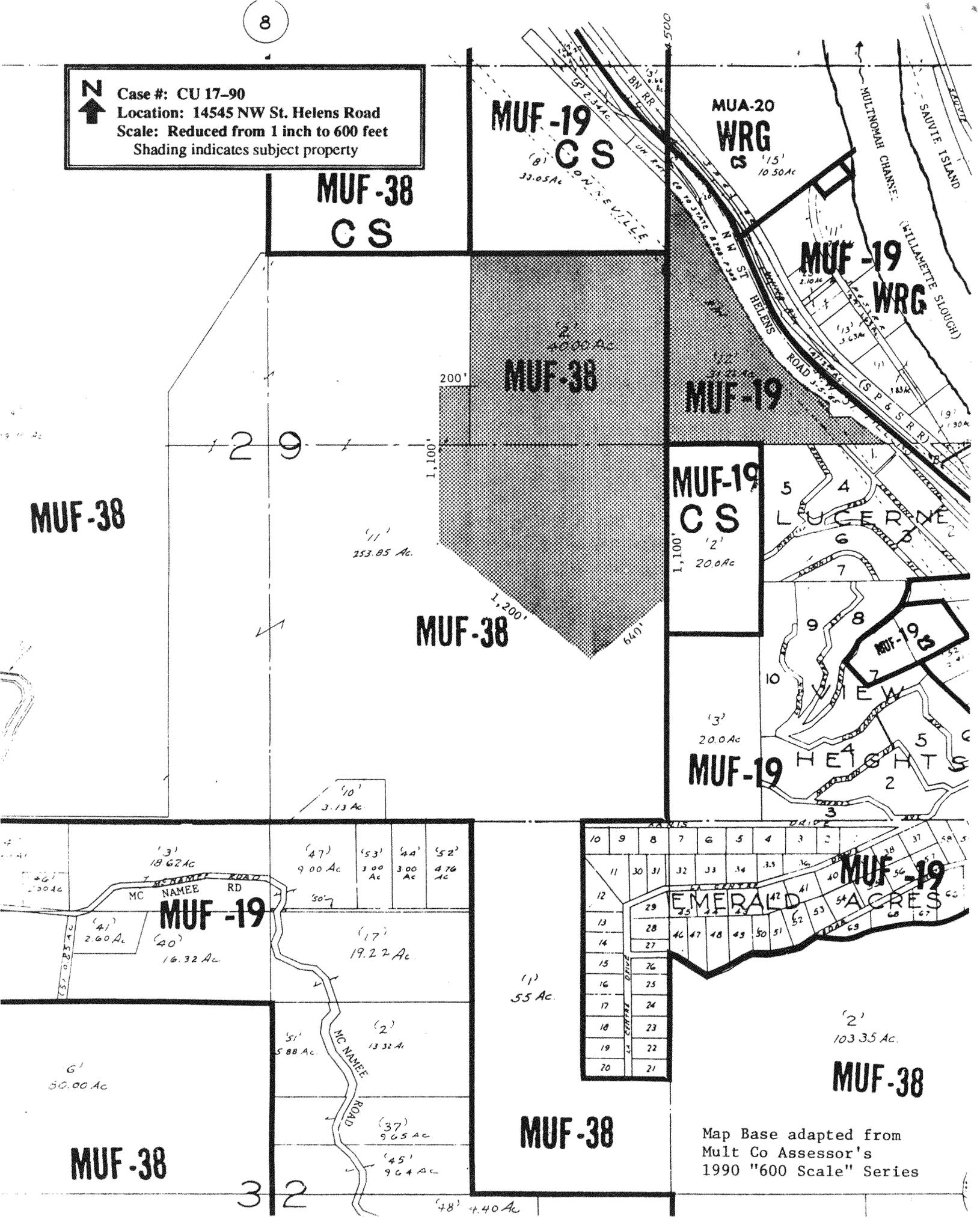
Conditional Use Request **(Expansion of Existing Mining Operation)**

Applicant requests a five year extension of the conditional use approval for mining approved as CU 9-86 and a 42 acre expansion of that mining operation onto adjacent property, plus a continuation of the present 6:00 am to 10:00 pm hours of operation.

- Location:** 14545 NW St. Helens Road
- Legal:** Tax Lot '2', Section 29, T2N, R1W, Tax Lot '12', Section 28, T2N, R1W, and a portion of Tax Lot '11' (≈ 42 acres), Section 29, T2N, R1W described on attached map.
- Site Size:** 112 acres
- Size Requested:** Same
- Property Owner:** Linnton Rock Corp.
P.O. Box 2183, Grand Junction, CO 81503
- Applicant:** Angell Brothers, Inc.
PO Box 03449, Portland 97203
- Comprehensive Plan:** Multiple Use Forest
- Present Zoning:** MUF-38
- Planning Commission Decision:** **APPROVE**, subject to conditions, a five year extension of the mining operation approved by CU 9-86 and an expansion of that existing mining operation onto an adjacent 42 acre parcel, plus a continuation of the present 6:00 am to 10:00 pm hours of operation;
DENY the request of a blanket approval for occasional Sunday operation, based on the following Findings and Conclusions.

CU 17-90

N
↑ Case #: CU 17-90
 Location: 14545 NW St. Helens Road
 Scale: Reduced from 1 inch to 600 feet
 Shading indicates subject property



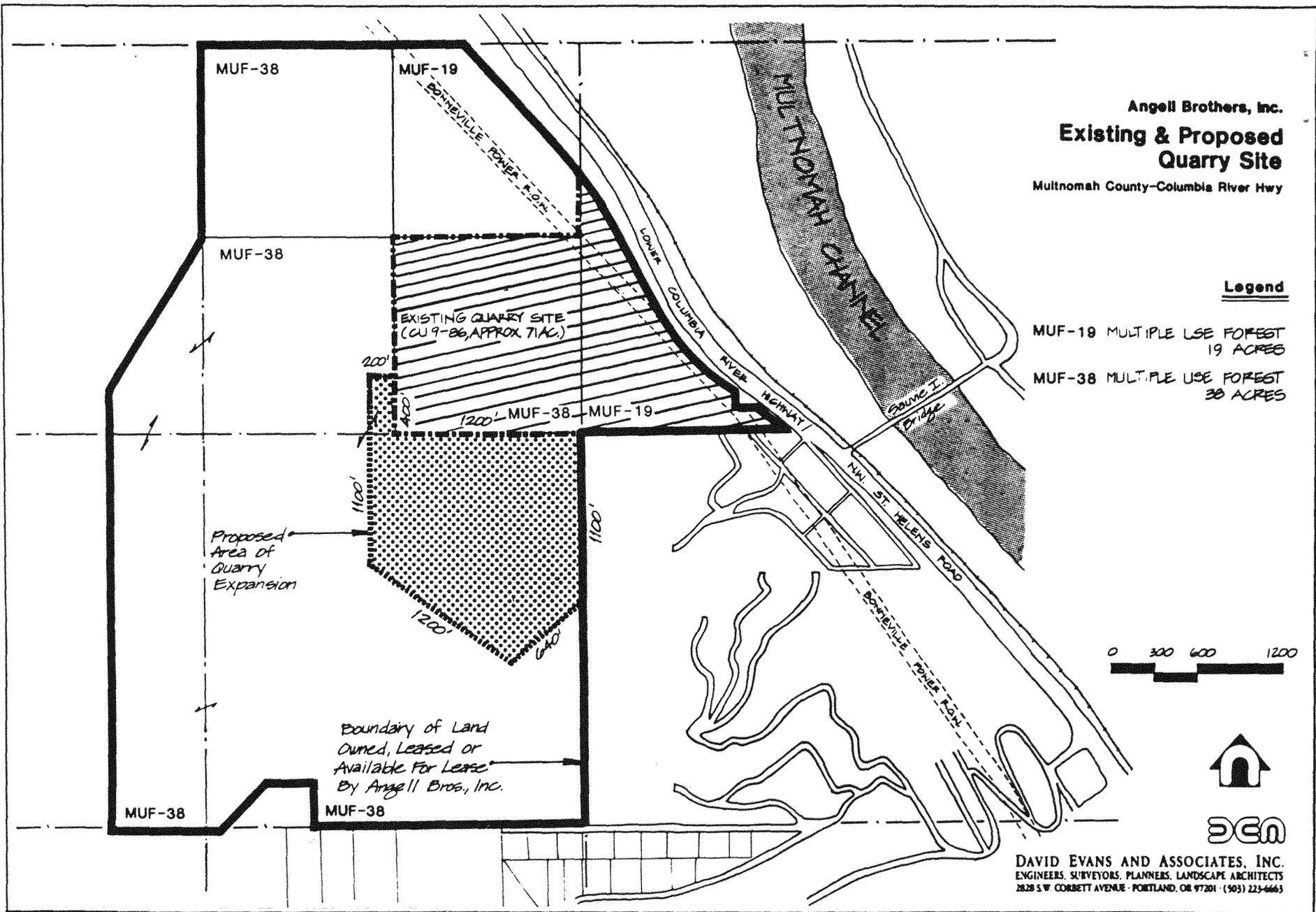
Map Base adapted from Mult Co Assessor's 1990 "600 Scale" Series

Angell Brothers, Inc.
Existing & Proposed
Quarry Site

Multnomah County-Columbia River Hwy

Legend

- MUF-19 MULTIPLE USE FOREST
19 ACRES
- MUF-38 MULTIPLE USE FOREST
38 ACRES



CU 17-90

DAVID EVANS AND ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 2828 S.W. CORBETT AVENUE - PORTLAND, OR 97201 - (503) 223-6663

Conditions:

1. No mining or excavation activity shall be allowed on either:
 - a. The proposed buffer area described as the north 400' of the west 800' of Tax Lot '2', Section 29, T2N, R1W, or
 - b. That 111 acre area considered for clay mining under CU 6-89 (*see Appendix Exhibit 1*) until such time as the wildlife corridor study is completed and clay mining in that area is determined not to have an adverse impact on any corridor that might be identified.
(*Note: The approval for clay mining in that area was conditioned to expire upon final closure of the St. Johns Landfill. If final closure of the landfill is realized prior to completion of the wildlife corridor study, CU 6-89 will automatically expire.*)
2. Final approval of the reclamation plan shall be obtained from DOGAMI prior to any mining activity.
3. Replanting plans for the site shall be reviewed and approved through County Design Review, if required by the Zoning Ordinance..
4. Requests for occasional Sunday operations shall be processed as a Temporary Permit under the provisions of MCC .8705.
5. The entire mining operation shall be conducted and reclaimed in the manner proposed in the document entitled *Conditional Use Permit Application* dated June 15, 1990.
6. A survey of the expansion area must be prepared and marked appropriately on the ground and a copy submitted to the Planning Director as provided in MCC .8210(B).
7. Yearly monitoring reports on the mining operation shall be submitted in both map and text formats to include:
 - a. Reclamation completed; and
 - b. Any changes proposed for the following year from the approved reclamation or operations plan.

Findings of Fact:

(Note: The following discussion through page 26 is provided by the applicant in response to the applicable approval criteria. Ordinance criteria are identified by this type style, while the applicant's response is indicated by this type style. The Staff has reviewed the submission and finds the responses adequate demonstration of compliance with those criteria.)

INTRODUCTION

This application is presented on behalf of Angell Brothers, Inc. for conditional use approval to expand their existing rock quarry, which is located along Highway 30 (St. Helens Highway) near the Sauvie Island Bridge. The proposed expansion would make an additional 42 acres of land leased by Angell Brothers available for mining, while retaining over 7.3 acres of minable land at their existing quarry site as a forested buffer area. The proposed mining activities are recognized as a permitted conditional use on MUF (Multiple Use Forest) land under subsection 11.15.2172(B)(1) of the Multnomah County Code.

The purpose of this application is to provide Angell Brothers, Inc. with the opportunity to continue to successfully service local and regional markets with mined quarry material, including crushed rock and high clay content cover material. Conditional use approval will allow the applicant to continue mining rock material at this site at projected rates of between 440,000 and 1,200,000 cubic yards per year without interruption.

BACKGROUND

A Conditional Use Permit was issued to Angell Brothers in 1980 (CU 34-80) and amended later that year (CU 34-80a) which allowed Angell Brothers to mine and process aggregate materials on approximately 71 acres adjacent to Highway 30. This Conditional Use Permit was renewed by Multnomah County in 1986 (CU 9-86).

The existing 71-acre quarry site operates under an approved reclamation/master plan. The proposed quarry expansion would occur in an area immediately south and slightly west of the existing quarry operation. The following conditional use application requests approval to expand the existing quarry onto approximately 42 additional acres. In addition, a new reclamation plan is presented for these 42 acres plus the "active" acreage of the existing permitted quarry area.

Angell Brothers, Inc. has also secured a conditional use permit (CU 6-89) for phases one and two of a five-phase proposal to mine high clay content overburden on 165.77 acres, including approximately 125.77 acres lying north, northwest and west of the existing quarry. Should a conditional use approval be granted for the 42-acre expansion area proposed in this application, sufficient quantities of high clay content overburden material will be recoverable from the permitted quarry area and from the 42-acre expansion area to eliminate the need to remove trees and to mine overburden on approximately 111 additional acres addressed by CU 6-89.

PURPOSE OF AND NEED FOR THE PROPOSED QUARRY EXPANSION

Given current and anticipated rates of aggregate production, the area currently permitted for mining at the Angell Brothers, Inc. quarry is not sufficient to ensure that the site can continue to operate beyond 1991, without mining the proposed 7.3-acre buffer area. The proposed permit would make available an adequate quantity of rock and clay material to ensure the ongoing operation of this site beyond 1991.

Aggregate resources are essential to all types of construction, public and private, and they constitute an important element of the Multnomah County economy. As noted in the *Multnomah County Comprehensive Framework Plan* (Volume 1, page 19), "...the identification and protection of existing [mineral and aggregate] resource sites are important planning priorities." The long-term availability of an economic source of aggregate material is an important consideration in planning and providing for community development, since the cost and availability of aggregate material directly affects the cost of providing a wide range of community needs, including roads, housing, schools, hospitals, public buildings and sewer systems.

The rate of consumption of sand and gravel in the Portland region is increasing, and it is projected to continue to increase faster than population growth. In 1985, the Portland region consumed about 11 tons of sand and gravel per capita per year. This rate is projected to be about 15 tons per capita per year by the year 2000 (*Clackamas County, Natural Resources Background Report, Draft*, October, 1985). Moreover, the Metropolitan Service District (Metro) projects that the population of the four-County metropolitan area (which includes Clark County, Washington) will increase approximately 9% between 1989 and 1995, from 1,361,900 to 1,489,843.

The importance of the Angell Brothers' rock quarry to public and private construction projects in the Portland metropolitan area is well documented. Angell Brothers, Inc. is by far the largest producer of crushed aggregate material from hard rock sources in Multnomah County. Angell Brothers, Inc. has in recent years produced an annual average of over 300,000 cubic yards of quarry material. Approximately 400,000 cubic yards were produced in 1989. The unique character of aggregate material produced from hard rock (as opposed to river-deposited rock) sources makes the resource at this site especially important to particular sectors of the economy, such as the railroad industry.

Most of Angell Brothers' production is sold to public and private users in Multnomah County. Consumers of the aggregate materials produced at the Angell Brothers quarry have included Multnomah County Public Works, the Oregon Department of Transportation, Tri-Met, the City of Portland, local airports, Burlington Northern Railroad, and a host of other public and private users. In addition, Angell Brothers quarry has been contracted to supply up to 150,000 cubic yards per year of high clay content cover material to St. John's landfill (100,000 cubic yards were supplied in 1989).

The proximity of the Angell Brothers, Inc. quarry to the Portland metropolitan area is another important consideration. Crushed rock is bulky and heavy, and the cost of the product increases rapidly with the distance it must be transported from the supply source. The State of Oregon Department of Transportation estimates the cost of transporting aggregate material in Oregon at approximately 22 cents per ton per mile. Obviously, the proximity of the Angell Brothers quarry to nearby urbanizing areas helps to control the cost of supplying aggregate material to these areas.

SITE DESCRIPTION

The Angell Brothers Quarry is located in the SE 1/4 of the NE 1/4 of Section 29 and in the

SW 1/4 of the NW 1/4 of Section 28 in Township 2 North, Range 1 West of the Willamette Meridian. It is approximately 2 miles north of the city limits of Portland, immediately west of Highway 30 (St. Helen's Highway), and less than 1/4 mile north of the Sauvie Island Bridge. Access to the site is by way of Highway 30 onto a paved quarry road.

The quarry has been in existence since 1958. Angell Brothers, Inc. took over operation of the quarry in 1976. The quarry is currently operated under a conditional use permit granted by Multnomah County in 1981 and renewed in 1986. Approximately 71 acres are permitted at this time for quarrying and aggregate production.

The proposed expansion of the quarry will incorporate 42 additional acres of adjacent Tax Lot 11 into the existing surface mining operation, as illustrated in Exhibit 2. Both the existing quarry and Tax Lot 11 are in the rural area of Multnomah County. Tax Lot 11 is zoned MUF-38 (Multiple Use Forest, minimum 38 acre lots). The owner of Lot 11 is Linnton Rock Corporation. Linnton Rock Corporation has agreed to lease the proposed acreage to Angell Brothers upon approval of the proposed conditional use permit. A letter of authorization from the owner to submit this application for the proposed use of 42 acres of this property is included with this application.

QUARRY OPERATIONS

The existing and proposed quarry operations consist primarily of mining, crushing and selling rock material. High clay content "overburden" (soil and subsoil material overlying the hard rock) is also removed and sold from this site. The mining operation at Angell Brothers Quarry involves blasting to shatter the basalt rock, preliminary crushing of the loosened rock to reduce its size, and transportation of the rock material to the aggregate crushing equipment in the quarry pit. The face of the pit is benched as it is worked back into the remaining aggregate resource. Following crushing and grading, the rock is stockpiled. Crushed rock is transported from the stockpiles by truck by way of State Highway 30.

Crushing of the rock to produce marketable aggregate material occurs and will continue to occur on site. The proposed expansion of the quarry will not require relocation of the existing aggregate crusher. A portable "primary" crusher and conveyor system will be located within the proposed expansion area and will be moved periodically within the expansion area as necessary to produce and deliver material to the aggregate crusher.

Overburden is stockpiled and/or removed from the site as each new top bench is opened and worked. Some overburden is used for topsoil and fill material in the course of site reclamation. In addition, Angell Brothers, Inc. expects to sell some of the overburden removed from the proposed expansion area as high clay content material appropriate for use as cover at St. John's landfill. Sale of overburden from the proposed expansion area will eliminate the need to remove forest vegetation and mine overburden material from approximately 111 of the 165.7 acres addressed by the 1989 Multnomah County Conditional Use Permit (CU 6-89).

Mining on the existing site and in the proposed expansion area will generally proceed in a south-southwesterly direction from the existing quarry pit as a series of curved benches. Mining will be confined to within the setbacks identified on the Site Operations and Reclamation Plan. When available aggregate material is exhausted within a particular area, the benched quarry slopes will be reclaimed and revegetated in accordance with the reclamation plan. When extraction activities are completed on the entire site, the pit floor itself will be reclaimed and revegetated.

I. CRITERIA FOR APPROVAL

The proposed operation, as described above, satisfies the definition for Mineral Extraction defined in MCC.7305:

- (A) Mining means the removal of minerals or aggregate material, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging.
- (B) Minerals include any and all solid mineral products, metallic and non-metallic, extracted for commercial, industrial or construction use from natural deposits.
- (C) Aggregate material includes crushed or uncrushed gravel, crushed stone, or sand from natural deposits.

Subsection 11.15.7325 of the Multnomah County Code establishes criteria for the approval of a conditional use permit for mineral extraction in Multnomah County. The following discussion specifically addresses each of the criteria established under the code.

(A) ESEE Designation

The site is designated "2A", "3A", or "3C" through ESEE analysis.

The ESEE analysis for this site, adopted by Multnomah County on April 24, 1990 (*see Appendix Exhibit 2*) designates the existing 71-acre quarry area and the proposed 42-acre expansion area "3C, Specifically Limit Conflicting Use".

(B) Reclamation Plan

There is a proposed reclamation plan which will allow the property to be utilized as envisioned by the Comprehensive Plan and the underlying district.

The existing quarry is operated under a DOGAMI mined land reclamation permit which is valid through May 1991.

Prior to the initiation of surface mining in the proposed expansion area, a reclamation plan for the site must be approved by the Oregon Department of Geology and Mineral Industries (DOGAMI). Final approval of the reclamation plan by DOGAMI may be made a condition of permit approval.

A proposed reclamation plan for the quarry expansion is outlined below and illustrated in attached Exhibits 3 and 4 (*see* Appendix). This plan has been reviewed with citizen representatives from various local neighborhood and wildlife organizations, including the Friends of Forest Park, the Linnton Neighborhood Association, the Sierra Club, Audubon-Portland, and the West Multnomah Soil and Water Conservation District. Based on their responses, it is the applicant's understanding that the plan satisfactorily addresses their concerns. This plan has also received preliminary approval from Frank Schnitzer of DOGAMI.

Five reclamation plan guidelines for the Angell Brothers quarry site (in addition to those required by State regulations) are identified in Multnomah County Final Order #90-59. Four of these guidelines are met by the reclamation plan proposed in this document. Specifically, the proposed reclamation plan provides for:

- (1) Twenty-four inches of topsoil for adequate reforestation;
- (2) Landscaping for wildlife access and ease of moving across the restored area;
- (3) Streams restored to the land surface (not confined to drain pipes); and
- (4) A bond to insure that the above reclamation is achieved.

It is the applicant's understanding that the fifth guideline, "Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat," was agreed, by general consensus, to be inappropriate by all those neighborhood and wildlife organizations participating in the meeting of June 12, 1990.

Geology

The proposed final quarry configuration shown in the Site Operations and Reclamation Plan and cross-sections [Exhibits 3 and 4 (*see* Appendix)] is based on several factors, including land ownership, setbacks from adjacent properties, visual impact mitigation, operational requirements for the quarry and the inherent stability of rock and overburden.

It may be necessary to revise this configuration should site conditions be discovered which were not apparent in geologic studies and which preclude establishing the desired configuration. The plans, illustrations and sections shown in this report are based upon the best geologic data available to date, including information on overburden thickness and rock consistency as interpreted by H.G. Schlicker and Associates in their 1989 reports which were made a part of this application.

Overburden

The report provided by H.G. Schlicker and Associates notes that "sufficient overburden materials are present for reclamation of the site".

Overburden material consists of Quaternary loess (wind-deposited clay, silt and sand) and of residual soils which formed on the Columbia River Basalt prior to the deposition of loess. H.G. Schlicker and Associates note that "the loess varies in character from clayey to sandy silt" and that it is currently being used as a landfill cover material at the St. John's landfill. They assumed average overburden thicknesses at approximately 30 feet on ridgetops and 10 feet or less on side slopes in calculating the volume of available quarry material. Overburden will be stored on site in quantities adequate for effective site reclamation (that is, sufficient to spread this material an average of 24 inches deep on each terrace and on the pit floor). This will total approximately 125,000 cubic yards of material for the proposed 42-acre expansion area and approximately 225,000 cubic yards for reclamation needs over the entire site reclamation area. Mel Stout, a registered landscape architect with David Evans and Associates, Inc., has determined that Douglas-fir, Red Alder, Western Hemlock, Western Red Cedar and grass cover can be successfully established/re-established on this site using available on-site soil and overburden material. The location of stockpiled overburden material will vary over time as the active quarry area moves from one location to another.

Slopes and Benching

The final slope heights, gradients and bench widths will be established in such a manner that the overall slope (*i.e.*, the slope of the line connecting the crest of each bench) is not steeper than 1.5 horizontal to 1.0 vertical. Individual benches will vary in width and height. Bench surfaces will generally be gently sloped (approximately 2%) toward the pit interior. One or two reverse slopes of approximately 5% will be established on each bench at random locations to provide scattered ponding areas. The intent of these ponds is to enhance wildlife habitat on the reclaimed site.

Hydrology and Erosion Control

Surface drainage in the proposed quarry expansion area will include intermittent stream flow, surface runoff, and seeps in the quarry faces.

Portions of the intermittent stream passing through the existing and proposed quarry area may be channeled or piped during the course of mining operations to protect water quality. This stream will be restored to the land surface (not confined to drain pipes) upon completion of mining on this site. Reverse slopes will be established on some of the benches over which the stream flows to reduce runoff velocity and stream sedimentation. Stream discharge will pass through one or more settling ponds and ultimately discharge into a holding pond northeast of Highway 30, which allows seepage into the ground rather than direct discharge into Multnomah Channel.

The pit floor will be sloped at 1–5% toward the central drainage to facilitate on-site runoff. The reclamation plan provides for the on-site detention and storage of runoff and ensures that peak runoff flows from the site will not exceed pre-development flows by (1) establishing nearly level and reverse-sloped bench surfaces, and (2) re-establishing soils and vegetation on the reclaimed bench surfaces. Moreover, the size

of the watershed draining to the intermittent stream on this site will not be significantly increased.

Vegetation

Native species of trees will be used to establish a pattern of vegetation which will generally reflect that of existing vegetation in the area. The predominant species used to revegetate this site will be Douglas-fir. To enhance visual values and wildlife diversity, revegetation will also include: red alder, western red cedar, western hemlock, and native grasses. The approximate mix of trees re-established on site during reclamation will be:

70% Douglas-fir
15% Red alder
10% Western red cedar
5% Western hemlock

Revegetation of this site will generally utilize seedlings from one-half to two feet high at the time of planting. The density of planting will be approximately 10 feet on center. Replanting will generally occur in the fall.

Comprehensive Plan Policy 12 (Multiple Use Forest Area)

Policy 12 of the Multnomah County Comprehensive Framework Plan states:

"The purpose of the Multiple Use Forest Area Classification is to conserve those lands suited to the production of wood fibre by virtue of their physical properties and the lack of intensive development; however, in areas where the lands are suitable and the use does not impact existing forestry or agricultural uses, other uses will be allowed.

The intent of this classification is to encourage small wood lot management, forestry, reforestation and agriculture. Other non-forest or non-farm uses such as planned developments, limited service commercial, extractive industries and cottage industries may also be allowed."

The proposed expansion of the existing quarry operations will not interfere with any known forestry or agricultural uses in the area, existing or proposed. The proposed operations are therefore consistent with the Comprehensive Plan Policy 12.

Comprehensive Plan Policy 16 (Natural Resources)

Policy 16-B ("Mineral and Aggregate Resources") of Multnomah County's Comprehensive Framework Plan establishes that:

"It is the County's policy to protect areas of mineral and aggregate sources from inappropriate land uses which could limit their future use."

By assigning a "3C" designation to the proposed 42-acre expansion area through an Economic, Social, Environmental and Energy (ESEE) analysis (*see* Appendix), the County has fulfilled its obligation to review data on resource quantity and quality at this site and to provide an ESEE designation to this site which is consistent with State Planning Goal #5 and the Multnomah County Comprehensive Plan. The "3C" designation by Multnomah County represents acknowledgement that an important mineral and aggregate resource exists at this site which should be protected from certain conflicting uses by applying criteria established under the Zoning Code.

By utilizing an additional 42 acres or proven and readily available aggregate resources from an area which Multnomah County has recognized as deserving protection from conflicting uses, the proposed quarry expansion is consistent with the policy to protect the long-range availability and use of mineral and aggregate resources in Multnomah County.

Other subsections of Policy 16 establish policies for the protection of open space, energy sources, fish and wildlife habitat, natural areas, scenic views and sites, water resources and wetlands, wilderness areas, historic resources, cultural areas, recreation trails, and wild and scenic waterways. The ESEE analysis of the proposed expansion area was undertaken with all of these "Goal 5" resources in mind. Designation of the proposed expansion area as "3C" through the ESEE analysis indicates that Multnomah County has not identified any other Goal 5 resources associated with this site which would preclude its use as a mineral and aggregate resource area.

In summary, the proposed quarry expansion is consistent with Policy 16 in that it encourages the long-range availability and use of mineral and aggregate materials in Multnomah County, without limiting or impairing the availability and use of other known natural resource areas.

Underlying District

Operations conducted for the "mining and processing of aggregate and other mineral or subsurface resources" is recognized as a permissible conditional use in MUF (Multiple Use Forest) districts under Multnomah County Zoning Ordinance 11.15.2172, provided that applicable ordinance standards are satisfied. These standards are addressed in this application.

(C) Operational Requirements and Standards

Adverse impacts on surrounding areas with regard to the following have been, or can be mitigated:

(1) Access and Traffic

- (a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which

will use them.

The generalized site layout controlling on-site vehicle movement is apparent on the attached reclamation plan. Most vehicle traffic on site will be confined to the quarry floor area. For obvious reasons of safety and operational efficiency, all on-site roads will be designed and constructed to accommodate the vehicles and equipment which will use them, including bulldozers, dumptrucks, front-end loaders, and other equipment normally used for quarry operation.

- (b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a dust sensitive land use.

Angell Brothers, Inc., will continue to utilize the existing road accessing the existing quarry for traffic servicing the proposed quarry expansion. This access road is paved at all points within 100 feet of the nearest public right-of-way (*i.e.*, the Highway 30 corridor). No dust-sensitive land uses exist within 250 feet of any existing or proposed roads on this site.

- (c) No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto a public right-of-way.

Trucks leaving the Angell Brothers quarry travel over a paved, on-site road surface for approximately 400 feet before turning onto Highway 30. This allows excess mud and rock material to be dislodged from the tires of all transport vehicles leaving the site before they reach the highway. No material creating a safety or maintenance problem is tracked or discharged onto a public right-of-way from this site.

- (d) The applicant shall identify the most commonly used routes of travel from the site and the County engineer shall certify that those roads:
 - (i) are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or
 - (ii) are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, but the applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*.

County engineer Dick Howard has indicated that this standard is "irrelevant" at this site. It is the applicant's understanding that this is due to the fact that Multnomah County has no jurisdiction over State Highway 30, which represents the only route common to all traffic trips to and from this site. No Multnomah County roads will be impacted to a significant extent as a result of the proposed quarry expansion.

Access to the site from Highway 30 is excellent and is characterized by good sight distances. Access from Highway 30 to the interior of the site is provided by a paved road which is in good condition. There is no other means of access to the site.

Traffic along Highway 30 moves at approximately 55 miles per hour. The movement of traffic entering and leaving the site is facilitated by existing highway design. A center turn lane for northbound vehicles facilitates turning movements by trucks entering the site from the highway. Over 95% of outbound truck traffic turns right (south) onto Highway 30 and therefore does not need to cross lanes of traffic. Similarly, over 95% of inbound traffic returns from the south, and is therefore able to take advantage of the left turn lane to withdraw from the general flow of northbound traffic. The most critical sight distance is therefore to the north. Sight distance to the north from the quarry access road is approximately 1000 feet.

Traffic volumes from the quarry will not increase as a result of the proposed expansion of the quarry area. Aggregate production and traffic volumes from the quarry may increase over time due to increasing demand for the aggregate resource. The volume of truck traffic currently generated by operations at this site varies from 10 to 250 round trips per day. Over 95% of truck traffic leaving the site travels southbound on Highway 30 towards Portland.

Recent traffic counts the Highway 30 indicate that traffic volumes are approximately 13,200 vehicles per day (in both directions). Peak hour volumes are estimated at 1,320 vehicles, assuming 10 percent of the daily volume occurs in the peak hour. The Oregon Department of Transportation estimates that a four-lane highway can handle approximately 20,000 vehicles per day at a level of service C.

No findings of adverse impact on traffic have been made under previous conditional use permits granted by the County for the operation of Angell Brothers quarry. Since no new traffic is associated with the proposed expansion of site operations, no new impacts will result. The figures cited above demonstrate that Highway 30 has sufficient capacity to safely handle traffic from the existing quarry with or without the proposed quarry expansion.

(2) Screening, Landscaping, and Visual Appearance

- (a) All existing vegetation and topographic features which would provide screening and which are within 50 feet of the boundary of the proposed area of extraction shall be preserved.

This requirement will be met as illustrated in the attached Site Operations and Reclamation Plan (*see* Appendix Exhibit 3). All extraction activities will be set back at least 50 feet from adjacent properties. Vegetation in these setback areas will be retained to provide screening from adjacent properties.

Angell Brothers, Inc. has no plans to preserve existing vegetation and topographic features within 50 feet of the west and southwest boundaries of the proposed extraction area (as illustrated in Exhibit 3), since none of these areas would provide screening.

- (b) If existing natural vegetation and topography is found to be insufficient to obscure views of the site, the site shall be screened with landscape berms, hedges, trees, walls, fences or similar features. Required screening shall be in place prior to commencement of the extraction activities.

The proposed expansion is located in a relatively isolated area in northwestern Multnomah County, at the base of the Tualatin Mountains. Most of the proposed expansion area is heavily vegetated with fir, alder and maple trees. The existing 71-acre quarry site predominantly slopes to the east; the proposed 42-acre expansion area is dominated by a southwest-northeast trending ravine and ridge whose slopes have a generally northwest and southeast aspect.

Existing topography and vegetation will be retained which will effectively screen this site from most points along adjacent Highway 30 and from neighboring properties in the immediate vicinity of the site. These buffer areas are illustrated on the attached Site Operations and Reclamation Plan. Visual buffer features include, in addition to the "north knob" area, a minimum 400 foot by 800 foot (approx. 7.3 acres) forested buffer area on the northwest corner of the permitted quarry site which screens the site from many northerly viewpoints. In addition, as noted in the County's ESEE analysis of this site (see Appendix), "[the direction of expansion is] in the direction of least visibility from Sauvie Island due to the ridgeline on the property to the east."

Portions of the rock extraction area become more visible as distance from the site increases, and in good weather substantial portions of the site are and will continue to be visible from certain locations on adjacent Sauvie Island.

While some off-site views may be impacted by the proposed quarry expansion at least until on-site mining activities cease and the site is reforested, other potential visual impacts will be eliminated by approving the proposed conditional use. Angell Brothers, Inc. has already secured a conditional use permit (CU 9-86) for phases one and two of a five-phase proposal to mine high clay content overburden on 165.77 acres, including approximately 125.77 acres lying north, northwest and west of the existing quarry. Approval of a conditional use permit for the operations proposed in this application will allow the applicant to mine clay overburden material of equal quality from the proposed 42-acre quarry expansion area, thus eliminating the need for Angell Brothers to remove trees and overburden on approximately 111 additional acres addressed by CU 9-89. Angell Brothers, Inc. is willing to abandon plans to implement CU 9-89 if the quarry expansion proposed in this application is approved. This will protect much of the highest-visibility land on site and will retain many tall trees on the north side of the property which will serve as important visual buffers for the proposed expansion.

sion.

The appearance of the proposed quarry expansion will not differ substantially from that of current surface mining activities at the existing quarry site, except that the size of the quarried area will increase over time. As quarry operations proceed and the land surface is lowered, the existing topography and vegetation north and east of the proposed expansion area will provide visual screening for much of the proposed expansion.

- (c) The Approval Authority shall grant exceptions to the screening requirements only upon finding that:
- (i) the proposed extraction area is not visible from any dwelling, school, public park, church, hospital, public library, or publicly maintained road, or
 - (ii) screening will be ineffective because of the topographic location of the site with respect to surrounding properties, or
 - (iii) the area is part of the completed portion of a reclamation plan.

Much of the proposed expansion area will be effectively screened from off-site views for the reasons outlined in (b) above, including the retention of existing vegetation and topography on a substantial portion of the north side of the existing permitted area (as illustrated on the Site Reclamation Plan), and visual screening of much of the proposed expansion area by existing topography and vegetation north and east of this area.

In spite of these measures, portions of the site cannot be effectively screened from all off-site views through any practical use of existing vegetation or topography, landscape berms, hedges, trees, walls, fences or other similar features, due to the steep topography and natural exposure of much of the interior of the site to locations on Sauvie Island. For those areas where such screening would not be effective, an exception to the screening requirements is necessary.

(3) Signing

Signing shall be controlled by the standards of MCC .7932(A)–(D), except that only one sign for each point of access to each differently named improved street may be allowed for any operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, and M-1 district.

There will be no new signs associated with the proposed operation. Existing signs located on the entrance gates of the Angell Brothers Quarry will remain in place.

(4) Hours and Days of Operation

Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- (a) The Approval Authority may allow alternative hours on sites for which the ESEE analysis has identified other potential operating time periods.

Angell Brothers, Inc. requests that it be allowed to continue to operate between the hours of 6:00 a.m. and 10:00 p.m. seven days a week.

Angell Brothers, Inc. has been permitted to operate during the hours of 6:00 A.M. to 10:00 P.M. since 1980, which operating hours were confirmed by its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours. *(Staff Note: The ESEE analysis for this site identified the 6:00am to 10:00pm operating hours as appropriate due to few nearby conflicting or sensitive uses.)*

Operational hours for quarrying operations are to a large extent dependent upon seasonal weather variations and demand for the resource. Typically, operating hours are greater in the summer and less in the winter months when weather reduces construction activity.

Angell Brothers, Inc. does not usually operate on Sundays. However, Angell Brothers wishes to retain the option of operating on Sundays in order to meet the needs of customers who may require Sunday deliveries. It is not uncommon for projects, including many which benefit the general public, to request Sunday aggregate deliveries in order to minimize the disruption which would be caused by weekday operation. Customers which have in the past been serviced by Angell Brothers on Sundays include Tri-Met, the City of Portland, Burlington Northern, and airport projects. *[Staff Note: The only mechanism provided by the Zoning Code for altering days of operation is that of MCC .7325(C)(4)(b) (described below). Therefore, the staff recommends denial of the blanket request for occasional Sunday operation; suggesting that a Temporary Permit be obtained as that occasional need arises.]*

Angell Brothers, Inc. will restrict blasting on site to between the hours of 9:00 a.m. and 5:00 p.m. Mondays through Saturdays.

- (b) Short-term exceptions to the hours and days of operation may be approved pursuant to the provisions of MCC.8705.

No specific exceptions to the aforementioned proposed hours and days of operation are requested at this time. When and if Angell Brothers requests such exceptions, the request will be made with the understanding that they are to be reviewed pursuant to the provisions of MCC.8705.

(5) Air, Water and Noise Quality

Air Quality

- (a) The discharge of airborne contaminants and dust created by the extraction operation shall comply with the air quality standards established by the Department of Environmental Quality.

No additional impact on air quality is anticipated as a result of the proposed expansion of operations.

The principal air quality concern at this site is fugitive dust. No additional crushers or other dust-generating equipment are proposed for this site. Angell Brothers, Inc. has conducted and will continue to conduct on-site dust suppression measures, including watering, oiling or paving of heavily travelled roads.

At this site, Angell Brothers' mining and processing operations are required to comply with Department of Environmental Quality (D.E.Q.) Air Contaminant Discharge Permit #26-1912, which was issued on August 5, 1986 and which expires on May 1, 1991. Site inspections were performed by D.E.Q. staff on June 15, 1987, August 8, 1988, and July 28, 1989. In each case, the site was found to be in compliance with all permit conditions. At the most recent site inspection of July 28, 1989, Bruce Henderson of D.E.Q. noted that "very little" fugitive emissions were observed, and that these emissions were "not impacting the area beyond [the] air shed above [the] quarry pit." (A copy of the air contaminant discharge permit and the July 28, 1989, inspection report are included as a part of this application).

- (b) Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.

No adverse impact on water quality is anticipated as a result of the proposed operations.

The primary water quality concern at the quarry has been and will likely continue to be turbidity and sedimentation of surface waters. According to Richard Wixom of the Oregon Department of Environmental Quality, the major DEQ criterion with which the applicant must comply is a requirement not to increase the turbidity of water in Multnomah Channel. Since December 5, 1985, Angell Brothers, Inc. has been registered with D.E.Q. under general waste water permit number 1000. This permit does not allow any direct discharge of process water to public waters. This permit requires that all process water be recycled or discharged by seepage in a manner such that no visible turbidity enters surface water.

Angell Brothers, Inc. does not directly discharge process water from the site to public waters. The existing and proposed quarrying operations are "dry" in the

sense that no water is used for washing or crushing to make rock products. Turbidity of water draining off of the site is minimized by collecting water falling on the site in a small settlement pond, and then piping this water under Highway 30 to a large diked settlement pond. Here, water remains in the pond and percolates into the ground. There is no direct outlet to or impact upon Multnomah Channel.

The only surface water feature in the proposed expansion area is an intermittent creek which flows during wet periods. This stream passes through the area of the proposed operations in a southwest to northeast direction. The creek bed is not visible from outside of the pit area. The creek is not considered "fishable" due to its intermittent nature. According to Linn Farm of the Oregon Department of Forestry Columbia Unit, it is considered "Class II", which by definition indicates that it is not known to qualify as a "significant fishery resource" nor does it service domestic water users. The quality of water discharged by this stream is protected and will continue to be protected by establishing settling ponds into which creek water is directed. As mining proceeds, portions of the stream may be enclosed in a culvert (as is currently practiced on site in the lower reaches of this stream) in order to further protect it from sediment or other water quality impacts. The key objective of these measures is to prevent an increase in the turbidity of Multnomah Channel.

In summary, Angell Brothers, Inc. has demonstrated compliance with applicable state water quality standards and will continue to comply with these standards. No adverse impacts on water quality are anticipated.

- (c) Sound generated by an operation shall comply with the noise standards of the Department of Environmental Quality. Methods to control and minimize the effects of sound generated by the operation on off-site locations may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads.

No additional crushers or other processing equipment are proposed on the site. Noise generated by the proposed expansion of the quarry will be comparable to that generated by the existing quarry operations. Noise-producing equipment in the quarry expansion area will be limited to the portable primary crusher, front-end loaders, bulldozers and dump trucks operating on the site. Blasting on site will continue as a necessary activity of the ongoing quarrying operation.

No noise-sensitive land uses are present in the immediate vicinity of the site which will be affected by the proposed operation. The nearest known residences to the proposed expansion area are houseboats located approximately 1900 feet northeast, residences located approximately 2000 feet east, and another residence located approximately 1700 feet southwest. The distance between the mining activity and the houseboats in adjacent Multnomah Channel will generally increase as mining on the site proceeds to the south and west.

Noise measurements were performed directly across Highway 30 from the operating Angell Brothers quarry on September 3, 1980, by DBH Acoustics, Inc. All measured noise levels were within relevant allowable noise limits established by the Oregon Department of Environmental Quality (D.E.Q.). The investigators concluded that the rock crusher does not exceed D.E.Q. noise regulations and, further, that "the predominant noise source affecting the environment around the measurement site would be the traffic on U.S. 30". A copy of the DBH Acoustics report is included as a part of this application.

(6) Fish and Wildlife Protection

- (a) Fish and wildlife habitat identified by the Comprehensive Plan, or recognized as significant by an ESEE analysis, or found to be significant during project review shall be protected to the maximum extent possible. Where appropriate, such habitat may be mitigated by such enhancement measures as the provision of additional feed and cover for wildlife or fish stream habitat.
- (b) The extent of the operation's impact on and the importance of the fish and wildlife values present shall be determined in consultation with the State Department of Fish and Wildlife.

The applicant has actively involved local citizens who have expressed concern over fish and wildlife protection issues in the development of a site operations and reclamation plan which responds to their concerns. On June 11, 1990, Angell Brothers met with a number of these individuals, including representatives from the Sierra Club and Audubon Society of Portland, the Friends of Forest Park, the Linnton Neighborhood Association, and the West Multnomah Soil and Water Conservation District, to review and revise draft site operations and reclamation plans.

Elements of the plan which respond to wildlife protection concerns and which have been incorporated into the final proposed Site Operation and Reclamation Plan include:

- (i) Orienting and designing bench cuts to permit wildlife entering the site from the north or south ends to follow an individual bench and to leave the bench at the other end to return to a forested area;
- (ii) Establishing occasional "reverse slopes" of approximately 5% on the benches, to allow for scattered ponding on the reclaimed site. These ponds are intended to enhance wildlife habitat on the site by providing additional seasonal watering areas and wetland environments;
- (iii) Establishing a detention pond at the upper end of the seasonal stream passing through the proposed extraction area which will be approximately 2 to 4 feet deep during the wet season. The intent of establishing this detention pond is

to enhance wildlife habitat and to attract additional wildlife to this area;

- (iv) Upon revegetating the reclaimed site, establishing a mix of vegetation which will include Douglas-fir, red alder, western red cedar, western hemlock, and native grasses. The intent of establishing a mix of vegetation is to allow for a greater mix of habitats which will potentially attract a greater diversity of species.

No information has been presented to date indicating that the quarrying activity in the proposed expansion area will have a detrimental impact on available wildlife habitat or wildlife migration routes, if any, which exist in the area. Moreover, the quality of wildlife habitat on this site may in the long run be enhanced due to the establishment of the site reclamation measures described above.

Neither the Multnomah County Comprehensive Plan nor the ESEE Analysis identify significant fish or wildlife habitat at the existing quarry site or in the proposed quarry expansion area. Studies sponsored by Multnomah County are underway on the possible existence of a "wildlife corridor" used for wildlife migration in the vicinity of the quarry. *(Staff Note: All of the lands surrounding the existing and proposed quarry expansion areas have been designated "1B" in view of the potential wildlife corridor as a part of the County's Final Periodic Review Order).* However, the existence of such a corridor has not been demonstrated to date. Following a 4/8/90 field reconnaissance, Environmental Scientist Larry Devroy of David Evans and Associates, Inc. concluded that "... no well-defined wildlife corridor appears to exist in the [42 acre] area of the proposed quarry expansion since no areas of heavy use [by wildlife] were observed." In addition, the County ESEE analysis observes that "[t]he expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be the least intrusive into where a wildlife corridor would most likely be located."

As described above, the seasonal stream passing through the existing and proposed quarry area is classified as a "Class II" stream by the Oregon Department of Forestry, indicating that it is not considered a "significant fishery resource."

(Staff Note: The Code requires that fish and wildlife impacts shall be determined in consultaion with the State Department of Fish and Wildlife. The applicant indicates that such consultations are in process and the results will be available by the time of the hearing.)

- (c) Streamside riparian vegetation shall be retained for all streams not a part of direct extraction activities.

Vegetation along the seasonal stream, described above, which passes through the proposed quarry expansion area ("Intermittent Stream A", Exhibit 3) will generally be removed within the boundaries of the expansion area in order to recover rock material located under and adjacent to this stream. Streamside riparian veg-

etation along the seasonal stream to the southeast of the south ridge ("Intermittent Stream B", Exhibit 3) will be protected by maintaining a 100-foot undisturbed buffer strip (50 feet on each side of the stream). This buffer strip is illustrated on the Site Operation and Reclamation Plan.

(7) Setbacks

(a) For mineral and aggregate processing activities:

- (i) 200 feet to a property line, or
- (ii) 400 feet to a noise sensitive land use existing on February 20, 1990;

Rock crushing, sorting, and all other on-site processing activities, as illustrated on the Site Operations and Reclamation Plan, are and will continue to be located approximately 300 feet from the nearest property line and 1200 feet from nearest noise sensitive land use existing at this time. Portable crushing equipment operated on the site will be kept a minimum of 200 feet from all property lines.

(b) For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and

No access roads are located on the same parcel as the existing or proposed quarry operations, except for the access road whose exclusive purpose is to allow vehicles to travel to and from the quarry itself.

No residences are located on same parcel as the existing or proposed quarry operations.

(c) For mineral extraction and all other activities:

- (i) 50 feet to a property line, or
- (ii) 250 feet to a noise sensitive land use existing on February 20, 1990.

All on-site mineral extraction activities will be set back a minimum of 50 feet from property lines, as illustrated on the Site Operations/Reclamation Plan. The nearest known noise sensitive land use to the proposed mineral extraction activities is located approximately 1700 feet away.

(8) Reclaimed Topography

All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural

landforms of the immediately surrounding terrain.

Anticipated final excavation depths, lateral support, and slopes are illustrated on the accompanying Site Operations and Reclamation Plan and cross-sections (Exhibits 3 and 4). The bench-cut method of mining utilized at this site and the maintenance of maximum 1 1/2 to 1 final average slopes will provide slope stability and will make additional lateral support of the quarry walls unnecessary.

As illustrated in the Site Operations and Reclamation Plan, the reclaimed land surfaces will generally blend smoothly into the natural surrounding landforms.

(9) Blasting

Blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Saturday.

Blasting is an ongoing practice at the Angell Brothers, Inc. quarry and will be continued as mining expands into the proposed area. Angell Brothers will restrict blasting to the hours of 9:00 am to 5:00 pm Monday through Saturday. Because the proposed expansion of operations will maintain substantial setbacks from all adjacent residences, as described above and as illustrated on the Site Operations Plan, no significant vibration impacts on existing adjacent sensitive uses are anticipated.

(10) Safety and Security

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable.

Angell Brothers, Inc. operates the existing quarry according to an established safety and security program. This safety and security program includes fencing and gating of the eastern end of the quarry. Most boundaries of the existing and proposed quarry area are located hundreds or thousands of feet away from the nearest public right-of-ways and private residences and are generally separated from these right-of-ways and residences by rugged, forested terrain. For these reasons, the proposed expansion of the mining area is not expected to attract trespassers nor result in any new public safety or security hazards.

The quarry has successfully operated under the current safety and security program without a single on-site injury to the general public since Angell Brothers, Inc. took over operation of in 1976.

(11) Phasing

All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority finds that the different phases can-

not be operated and reclaimed separately.

Mining in the proposed expansion area will generally proceed as a continuous operation, and will not involve "phasing" per se. A relatively "tight" bench configuration will likely be established initially to permit the existing quarry floor to be extended into the new extraction area. At that point, extraction from the upper portions of the area permitted for mining will be initiated. When the available rock resource is exhausted in a particular portion of the quarry, Angell Brothers, Inc. will initiate reclamation of that area within twelve months.

(12) Reclamation Schedule

The reclamation plan shall include a timetable for continually reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the mined area and for completing reclamation within three (3) years after all mining ceases.

Angell Brothers, Inc. agrees to initiate reclamation on those portions of the quarry site where all recoverable rock material has been extracted within twelve months of the cessation of mining activity in these areas, and to complete reclamation in these areas within three years. Because demand for crushed rock material and the rate of rock extraction at the Angell Brothers quarry varies from year to year, and because the quality of quarryable rock varies from one portion of the site to another, it is impossible at this time to establish a more area-specific timetable for reclamation throughout the entire quarry site.

(D) Geologic Hazards

The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

Included in this application is a report from H.G. Schlicker & Associates addressing the above standard. The report establishes that the proposed operations are not likely to result in the creation of a significant geologic hazard to surrounding properties. In the conclusion, the report notes that:

"Natural slope stability in the proposed expansion area is good and will pose few limitations to mining. The site appears to have no large landslides which could be reactivated by mining. Initiation of a large landslide as a result of mining is unlikely because of the strong character of the underlying basaltic bedrock. Many of the small landslides which are present on the site will be removed during the mining operation. Erosion can be controlled by standards methods."

(E) Blasting Impacts on Groundwater

Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation.

Wells in this area typically draw water deep from fractured and jointed Columbia River Basalt. In this situation, blasting activity is highly unlikely to adversely affect local wells, according to Anthony O. Righellis, P.E., a hydrologist with David Evans and Associates, Inc.

There is no evidence that continued blasting at this site will adversely affect the quality or quantity of groundwater in this area. Blasting has been an ongoing activity at this quarry since Angell Brothers took over operation of the site in 1976. A number of water wells exist in the generally vicinity of Angell Brothers quarry, in a variety of directions relative to the quarry site. The applicant has never received any complaints from neighbors regarding ground water impacts of blasting or other quarrying activity at the Angell Brother's quarry, nor is the applicant aware of any such complaints filed with the Oregon Department of Water Resources, the Water Master, Multnomah County, or other responsible jurisdictions.

(F) Conditional Use or Preliminary Approvals

Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.

The Department of Geology and Mineral Industries (DOGAMI) has jurisdiction over the operation for reclamation purposes only. The proposed reclamation plan addresses the requirements of DOGAMI as identified in 517.750 (Reclamation Plans) and this plan received preliminary approval from Fred Schnitzer of DOGAMI on 6/13/90. ORS 522 addresses geothermal resource exploration and development and is not relevant to this application. Final approval of the Reclamation Plan by DOGAMI and issuance of a permit may be made conditions of this approval.

(G) Periodic Monitoring and Reporting

The Approval Authority may establish a program for periodic monitoring and reporting.

Angell Brothers, Inc. will cooperate with any reasonable program of monitoring and reporting established by Multnomah County.

III. OPERATION LIMITATIONS

On sites with an ESEE analysis designation of "3C" the Approval Authority may place restrictions on extraction activities found to impact other Statewide Planning

Goal 5 resources, noise sensitive uses, and other conflicting uses identified in the ESEE analysis (*etc.*).

Angell Brothers, Inc. will comply with any reasonable and justifiable restrictions established by Multnomah County.

IV OFF-SITE STOCKPILING AND PROCESSING

No off-site stockpiling, processing or distribution activities are proposed under this application.

V. TIME LIMIT

A Conditional Use permit hereunder shall be valid for a maximum of five years from date of final approval. The Approval Authority may allow a time limit of a maximum of ten years on sites for which the ESEE analysis has identified a longer potential time limit.

No minimum time limit is established under this section of the County Code. In order to provide a reasonable and acceptable timeframe for the planning of a viable business operation, Angell Brothers, Inc. requests that the Conditional Use permit be granted for the full five-year period. Any period of less than five years would introduce an unnecessary degree of uncertainty into the company's process of planning, financing, and implementing the quarrying operations described in this application. A period of less than five years would also limit opportunities for Angell Brothers, Inc. to successfully market quarry products over the long term. Previous conditional use permits granted to Angell Brothers, Inc. for operation of the existing quarry have been granted for the maximum five year time limit; the applicant submits that there is no compelling reason to grant a permit with a shorter period of time for the proposed quarry expansion.

VI. MONITORING

Angell Brothers, Inc., will cooperate with the Planning Director's periodic monitoring of extraction operations at this site.

VII. EXISTING OPERATIONS

Because the expansion area addressed in this application was not approved for mineral extraction prior to July 26, 1979, this section does not apply.

SUMMARY AND CONCLUSIONS

A Conditional Use Permit is requested to allow expansion of the existing Angell Brothers, Inc. quarry operation to include 42 additional acres. Mining activities on this acreage will include the extraction of aggregate material and the removal of overburden material, some of which will be sold as topsoil, fill material, or high-clay content cover material. No additional crushing equipment or other rock processing operations are proposed as part of this application.

The quarry site is in close proximity to major aggregate markets in the Portland metropolitan area, and has good access to these markets by way of Highway 30. Traffic on Highway 30 will not be adversely affected as a result of the proposed expansion.

The proposed expansion is consistent with the Multnomah County Comprehensive Plan and Zoning Ordinance, as described in this application. It has been established that economic deposits of the resource exist, and that there are no significant geologic hazards. No adverse environmental impacts are anticipated as a result of the proposed expansion. No noise-sensitive uses are located within approximately feet of the proposed expansion area.

Angell Brothers, Inc. has made a concerted effort to solicit input from the neighborhood groups and wildlife organizations regarding operational and reclamation plans for this site. The plans included in this document have been reviewed with individuals associated with the Friends of Forest Park, the Sierra Club, Audubon-Portland, the Linnton Neighborhood Association, and the West Multnomah Soil and Water Conservation District, and, as appropriate, have been revised to respond to the concerns they have expressed.

Five reclamation plan guidelines for the Angell Brothers quarry site (in addition to those required by State regulations) are identified in Multnomah County Final Order #90-59. Four of these guidelines are met by the reclamation plan proposed in this document. Specifically, the proposed reclamation plan provides for:

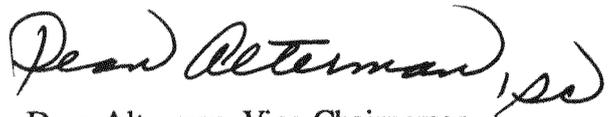
- (1) Twenty-four inches of topsoil for adequate reforestation;
- (2) Landscaping for wildlife access and ease of moving across the restored area;
- (3) Streams restored to the land surface (not confined to drain pipes); and
- (4) A bond to insure that the above reclamation is achieved.

It is the applicant's understanding that the fifth guideline, "Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat," was agreed, by general consensus, to be inappropriate by all those neighborhood and wildlife organizations participating in the meeting of June 12, 1990.

Conclusions:

1. The applicant has demonstrated compliance with the applicable approval criteria to allow a five year extension of the conditional use approval for mining approved as CU 9-86 and a 42 acre expansion of that mining operation onto adjacent property, plus a continuation of the present 6:00 am to 10:00 pm hours of operation. Occasional Sunday operations can only be processed as Temporary Permits under MCC .8705.
2. Conditions are necessary to insure that the mining operation is conducted in the manner proposed.

Signed August 13, 1990

A handwritten signature in cursive script, appearing to read "Dean Alterman", with a stylized flourish at the end.

Dean Alterman, Vice-Chairperson

Filed with Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00 am on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

APPENDIX

Angell Brothers, Inc.
**Existing & Proposed
 Quarry Site**

Multnomah County-Columbia River Hwy

Legend

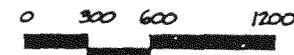
MUF-19 MULTIPLE USE FOREST
 19 ACRES

MUF-38 MULTIPLE USE FOREST
 38 ACRES

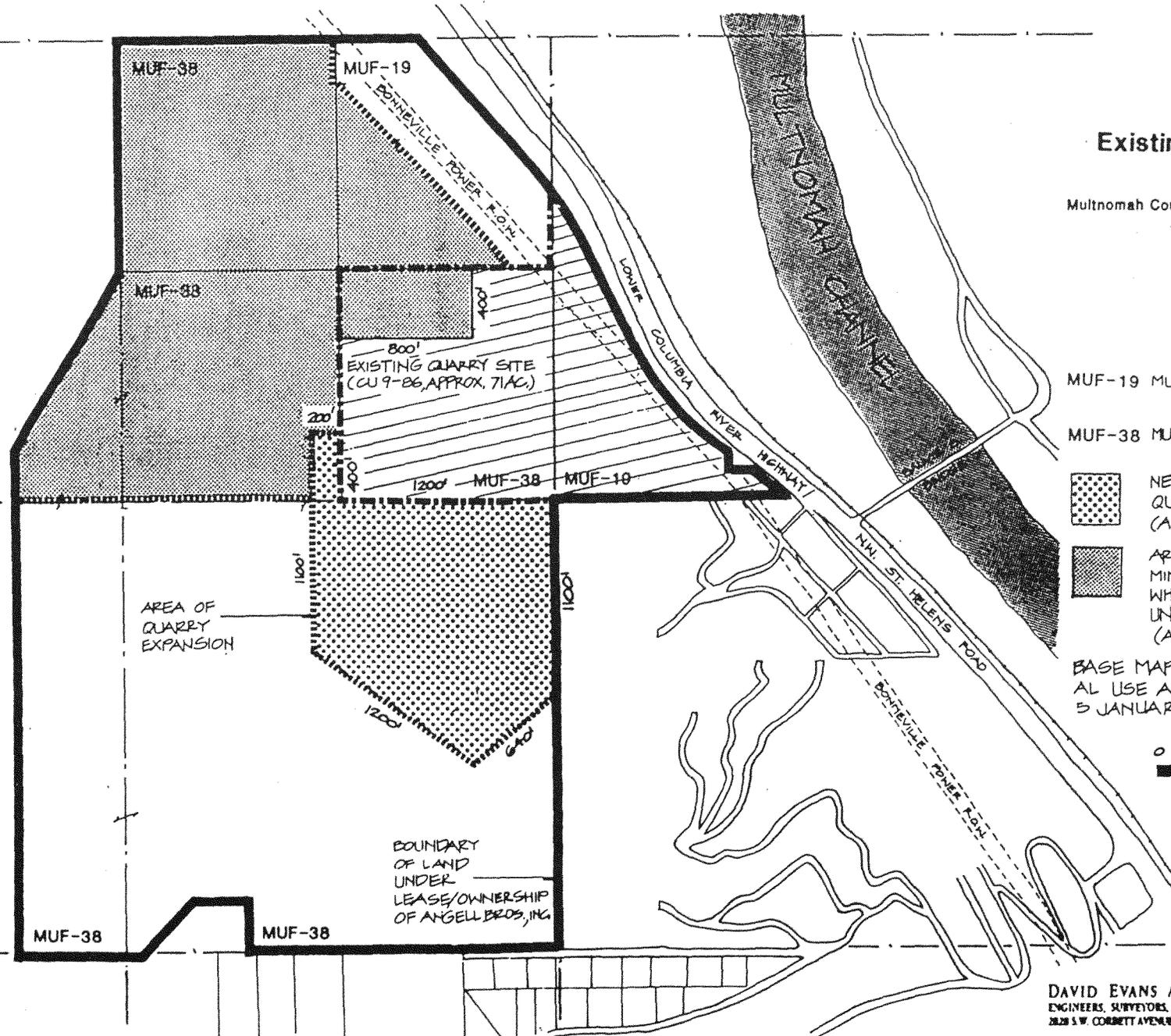
 NEW AREA FOR
 QUARRY EXPANSION
 (APPROX. 42 ACRES)

 AREA APPROVED FOR
 MINING OF OVERBURDEN
 WHICH WILL BE LEFT
 UNMINED
 (APPROX. 111 ACRES)

BASE MAP FROM CONDITION-
 AL USE APPLICATION OF
 5 JANUARY 1990.



DAVID EVANS AND ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 2828 S.W. CORBETT AVENUE - PORTLAND, OR 97201 - (503) 233-4665



7-11-90-41

**Site #4
Angell Bros., Inc.**

**Mineral and Aggregate
Resources Inventory**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting an Economic,)
Social, Environmental, and Energy (ESEE)) FINAL ORDER #90-59
Analysis for Mineral and Aggregate)
Inventory Site #4, Angell Brothers, Inc.)

Oregon Revised Statute 197.640 requires counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up to date and in compliance with the statewide planning goals. A Proposed Local Review Order intended to bring the County into compliance was presented to the Department of Land Conservation and Development (DLCD) on February 28, 1989. DLCD recommended changes to selected items in the Proposed Local Order which included revising the Statewide Planning Goal 5 Economic, Social, Environmental, and Energy Analysis of the mineral and aggregate sites. The Oregon Administrative Rule guiding this analysis is found in Chapter 660, Division 16.

During the process of revising the subject mineral and aggregate ESEE Analysis public hearings were held before the Board of County Commissioners on December 19, 1989, January 9, 1990, February 20, 1990, March 6, 1990, March 27, April 17, and April 24. On each of those dates written and oral testimony was taken and heard regarding this site.

Based upon that testimony the Board adopts the following ESEE Analysis for Site #4, Angell Brothers, Inc. Quarry, which concludes the following:

1. The appropriate classification of the 113.22 acres in the easterly center of the site, as depicted on the attached map as existing quarry site (cross hatching) and area for expansion (large dot pattern), is "3C, Specifically Limit Conflicting Use".
2. The ESEE Analysis for the remainder of the site, 283.37 acres, is at "Step 2, Identify Conflicting Uses" until on-going wildlife studies described in the analysis are completed at the time schedule specified.

The Board further finds that, with the encouragement of the Board, an agreement regarding mine operation expansion during the wildlife corridor study has been reached at the conclusion of three informal meetings of the quarry operator and neighborhood groups representatives. The Board is in agreement with the following results of those discussions which were confirmed at the Board Hearing of April 17, 1990:

1. An additional 42 acres of aggregate and clay material should also be included with the present operation area in an ESEE analysis designation of "3C" in order to ensure a continued amount of aggregate and clay material needed for operation of the mine during the wildlife study period.
2. This expansion area should be toward the south as shown on the attached map. The southerly boundary line is at two angles drawn as to have the least protru-

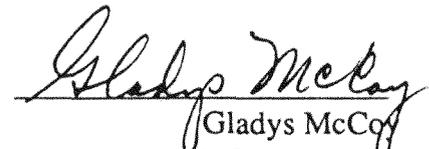
sion into a potential wildlife corridor area to the southwest and also provide a 100 foot buffer to a stream to the southeast.

3. The attached map also shows two areas which Angell Bros. Inc. has agreed not to mine during the study time period. The areas are:
 - A. A 400 foot by 800 foot area in the northwest corner of tax lot "2" which may be important for scenic view considerations; and
 - B. An 111 acre area which was the subject of a conditional use approval for clay mining in 1989. The southerly 42 acre expansion area will provide the clay material that would have been mined from the 111 acres to the north and west of the present operation. Where possible, existing trees and vegetation will be preserved on the 111 acre area.
4. The reclamation plan for a site will have a very important influence on wildlife and views. The neighborhood groups and wildlife organizations with an interest in the reclamation plan are to participate in an informal review of any proposed reclamation plans before the plans are submitted with a conditional use application. There are five guidelines which should be part of the reclamation plan which are in addition to those required by State regulations:
 - A. Twenty four inches of top soil for adequate reforestation;
 - B. Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat;
 - C. Landscaping for wildlife access and ease of moving across restored area;
 - D. Streams restored to the land surface (not confined to drain pipes); and
 - E. A bond to insure that the above reclamation is achieved.

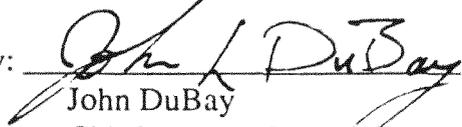
This order and the foregoing are to become attachments to the Local Review Order to be submitted to the Department of Land Conservation and Development.

Approved the 24th day of April, 1990.

(Seal)


Gladys McCoy
Multnomah County Chair

Reviewed:
Lawrence Kressel, Multnomah County Counsel

By: 
John DuBay
Chief Deputy County Counsel

Angell Brothers, Inc.
**Existing & Proposed
 Quarry Site**

Multnomah County-Columbia River Hwy

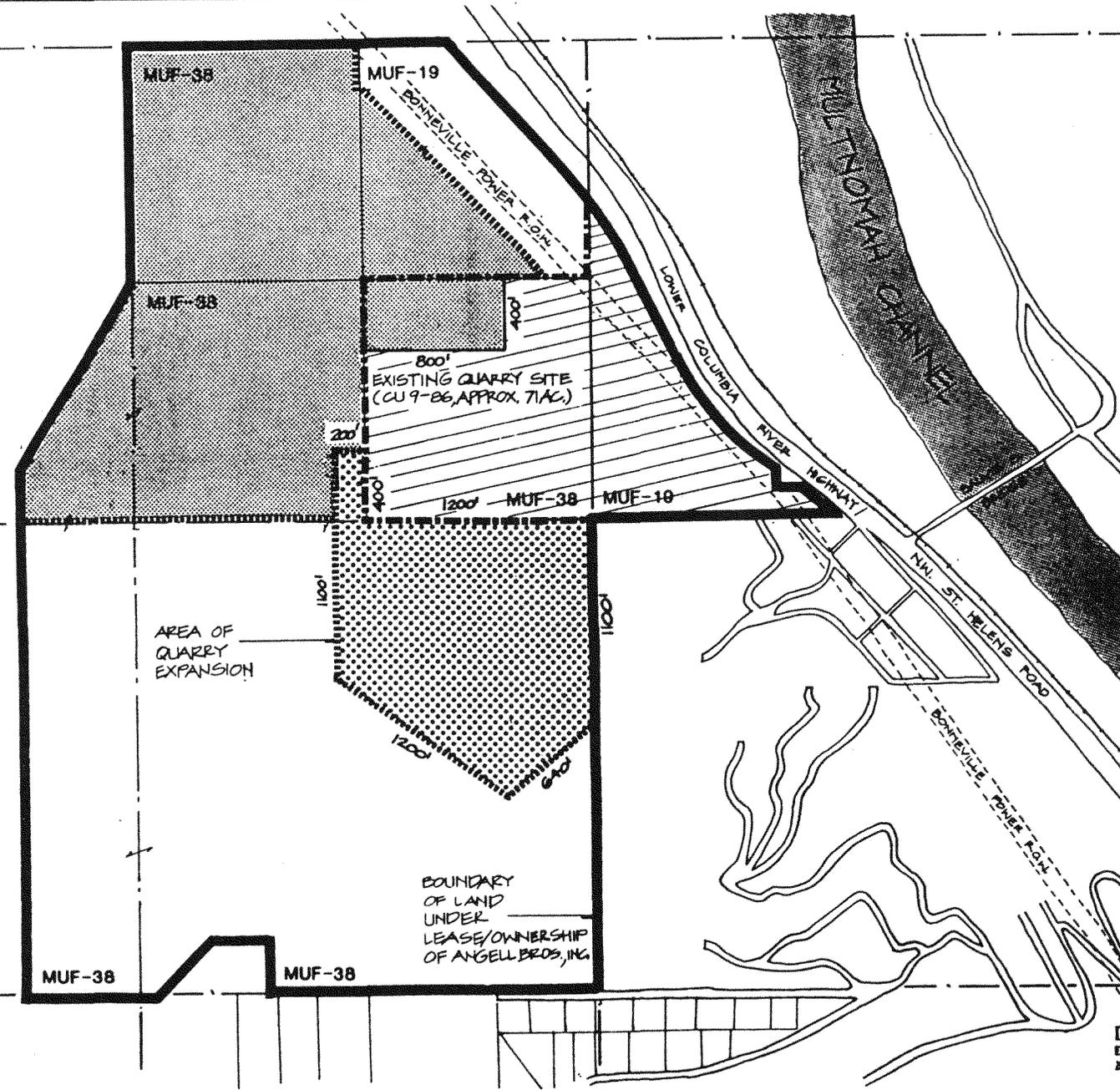
Legend

- MUF-19 MULTIPLE USE FOREST
19 ACRES
- MUF-38 MULTIPLE USE FOREST
38 ACRES
-  NEW AREA FOR
QUARRY EXPANSION
(APPROX. 42 ACRES)
-  AREA APPROVED FOR
MINING OF OVERBURDEN
WHICH WILL BE LEFT
UNMINED
(APPROX. 111 ACRES)

BASE MAP FROM CONDITIONAL USE APPLICATION OF 5 JANUARY 1990.



DAVID EVANS AND ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
 2828 S.W. CORBETT AVENUE - PORTLAND, OR 97201 (503) 223-6665



AREA OF
 QUARRY
 EXPANSION

BOUNDARY
 OF LAND
 UNDER
 LEASE/OWNERSHIP
 OF ANGELL BROS., INC.

Multnomah County
GOAL 5 INVENTORY
(4/24/90)

Type of Resource: Mineral and Aggregate
Mult. Co. Inv. Site #4
Angell Brothers, Inc.

Location:

Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N., R. 1 W.; Tax Lots '2', '6', '8', and '11' in the eastern one-half of Sec. 29, T. 2 N., R. 1 W.

Description:

DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present size of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resource were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August, 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):

NO-Designate 1A: Do not include in plan inventory.

YES – Go to B.

B. Is available information sufficient to determine the location, quality and quantity of resource at the site ?

NO – Designate 1B : Address the site in future when information becomes available.

YES – Include in plan inventory and go to C.

C. Zoning:

Multiple Use Forest - 19 and Multiple Use Forest - 38

OAR 660-16-005: *'It is the responsibility of local government to identify conflicts with inventoried Goal 5 Resource Sites.'*

Are there conflicting uses ?

NO – Designate 2A : Preserve resource.

YES – Go to D.

D. Describe existing or potential conflicting uses:

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would be relevant. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1991, the County cannot adequately identify conflicting uses as required by OAR 660-16-005.

Although OAR 660-16-000 (5) (c) states that when a site is included on the inventory then it "...must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is "proceeding" through the process. The County is at step designation "2" on the OAR flow chart at this time. Also see 3.A.(1).(b).in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the State owned wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

Describe consequences of allowing conflicting uses:

OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."

ECONOMIC:

1. Impacts on resource:

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than one mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

2. Impacts on conflicting uses:

Homes and tourist commercial uses too near the noise or dust of an extraction operation will have reduced value. This quarry has operated for many years, so reductions in value, if any, may have already occurred.

3. Requirements of other applicable State Goals:

A. Transportation Goal 12:

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

B. Areas Subject to Natural Disasters and Hazards, Goal 7:

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325 (D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

SOCIAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

A. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1000 feet away to the northeast are 29 houseboats. The impact on houseboats will decrease as the excavation area moves to the west or south. The closest house to the mapped 55 acre potential expansion area is approximately 1200 feet away to the south.

B. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation. Screening can mitigate part but not all of this potential impact.

3. Requirements of other applicable State Goals: N/A

ENVIRONMENTAL:

1. Impacts on resource: N/A

2. Impacts on conflicting uses:

A. Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks. However, the site is in compliance with DEQ noise and particulate regulations.

B. Angell Bros. Inc. has been permitted to operate during the hours of 6:00 A.M. to 10:00 P.M. since 1980, which operating hours were confirmed in its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours.

3. Requirements of other applicable State Goals:

A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:

(1).Fish and wildlife areas and habitat:

(a).Existing 71.22 acre approved extraction operation:

An intermittent stream flows northeasterly through the center of tax lot '12' (the 32 acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. The stream is classified Class II by the State Department of Forestry and the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek" and it dries up in late summer. The State Department of Environmental Quality has approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential may be restored. No significant wildlife area exists on the area currently approved for extraction activities.

(b).Adjoining 325.37 acres (potential expansion area):

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction may be possible due to the rural, relatively undeveloped

character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the "wildlife corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County and City of Portland have budgeted and expect to spend up to \$25,000 on studies of this issue. Phase 1, the initial research, is currently underway. Phase 2, the field survey work and the application of research and field evaluation results to specific land use recommendations, will be completed by early 1991. Staff will then complete the ESEE Analysis and propose Plan amendments to complete the Goal 5 process for this factor by the end of 1991.

The property owner has requested a "3C" designation on the entire potential expansion area of 325.37 acres, but has agreed to an immediate "3C" designation of approximately 42 acres of the expansion area to permit operation during and after the corridor study. Following the study, the designation of the remaining expansion area of 283.37 acres would be determined.

The owner submitted a memorandum from Lawrence L. Devroy, Natural Resources Manager at David Evans & Associates, regarding a wildlife inspection on the proposed 42 acre expansion area performed on March 21, 1990. The report concludes that "... no well-defined wildlife corridor appears to exist in the (42 acre) area of the proposed expansion since no areas of heavy use were observed." In addition, the 42 acre area is located far to the eastern edge of the potential corridor area to minimize any impacts which the expansion may cause in the corridor.

(2). Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the

timetable should closely follow that of the Wildlife Corridor studies. A "3C" designation of the 42 acre expansion area will minimize view impacts until such time as a view study is prepared relating to the entire area.

ENERGY:

1. Impacts on resource:

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

2. Impacts on conflicting uses: N/A

3. Requirements of other applicable State Goals: N/A

CONCLUSION:

The resource at this site should:

Be fully protected – Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – Designate 3B.

X FOR THE MAPPED EASTERLY CENTER 113.22 ACRES CONTAINING THE EXISTING MINING OPERATION AND AN EXPANSION AREA: Be partially protected by conditions which minimize the impact of conflicting uses - Designate 3C.

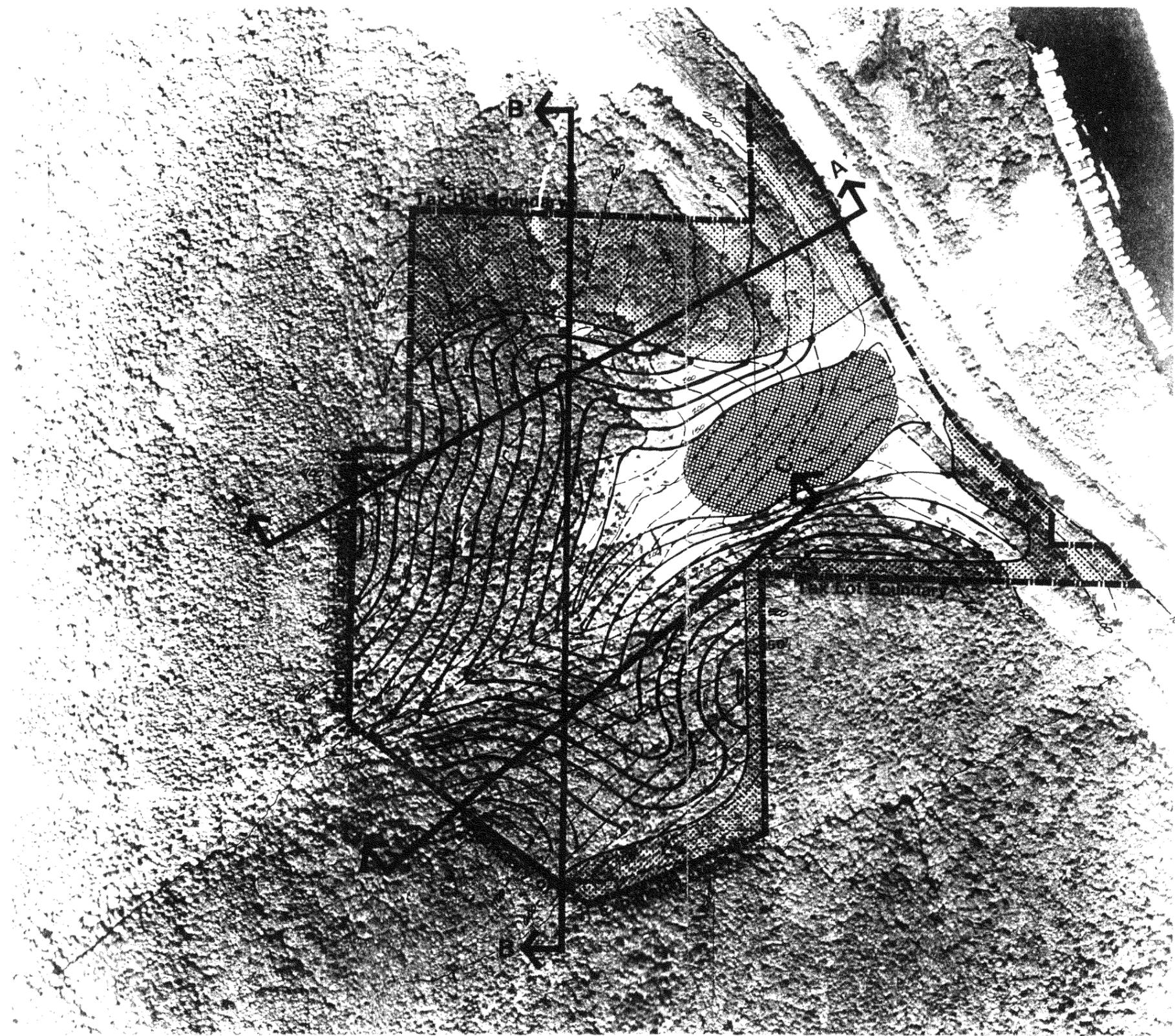
X FOR THE ADJOINING REMAINDER OF THE SITE, 283.37 ACRES: No ESEE designation assigned until more information is available from on-going studies of potential conflicting uses. At this time the ESEE analysis is at step "2" on the OAR flow chart.

PROGRAM:

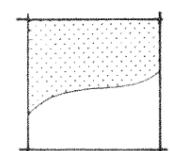
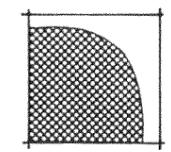
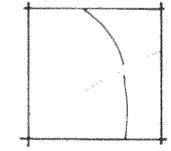
The existing approved mining operation of 71.22 acres and an expansion area of 42 acres are designated "3C". This designation will allow the mining operator to apply for renewal of the Conditional Use approval for the existing mining operation area and apply for an expansion area that would meet their aggregate needs for at least the wildlife and scenic views study period.

The expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be the least intrusive into where a wildlife corridor would most likely be located. It is also in the direction of least visibility from Sauvie Island due to the ridgeline on the property to the east. This program will allow uninterrupted operation of the mine during the time needed to complete the wildlife studies and, if warranted, put appropriate protection measures in place.

Designation of the adjoining acreage of 283.37 acres will be completed when the needed information is obtained on potential conflicting uses. Multnomah County and the City of Portland expect to spend up to \$25,000 during the time period 1989-1991 in the contracting of studies in an attempt to verify the existence of a "Wildlife Corridor" in the area of further potential aggregate extraction expansion. The Goal 5 ESEE process for this remainder area is expected to be completed during 1991.



Legend:

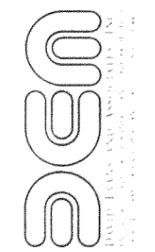
-  Buffer to Remain
-  Existing Quarry Staging Pad
-  Creek
-  Existing Contour
-  Proposed Contour

Note: Contour Interval is 50 Feet



Scale: 1" = 500' ±

Exhibit #3



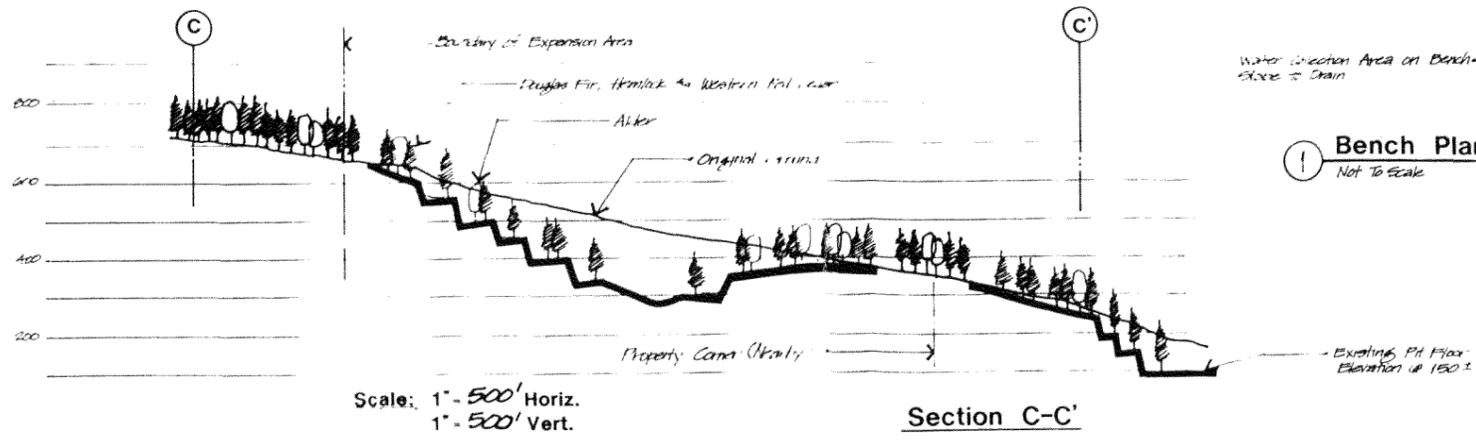
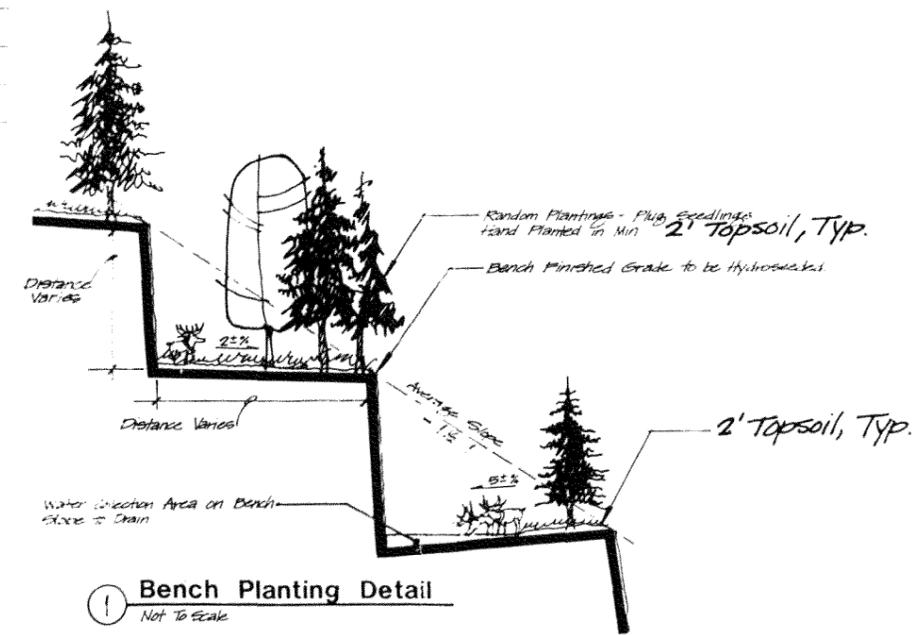
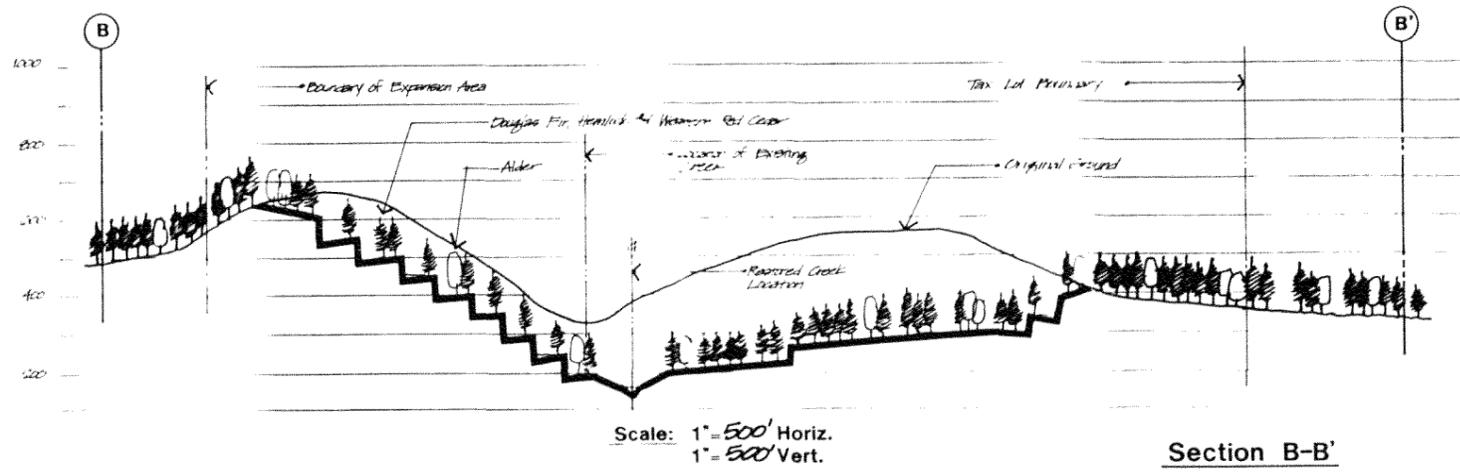
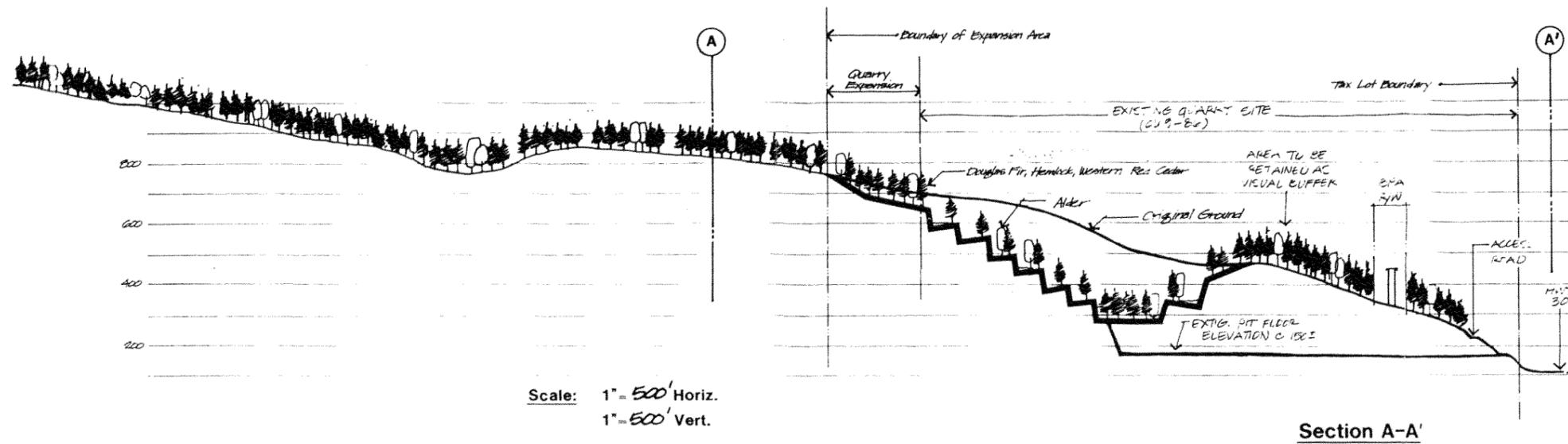
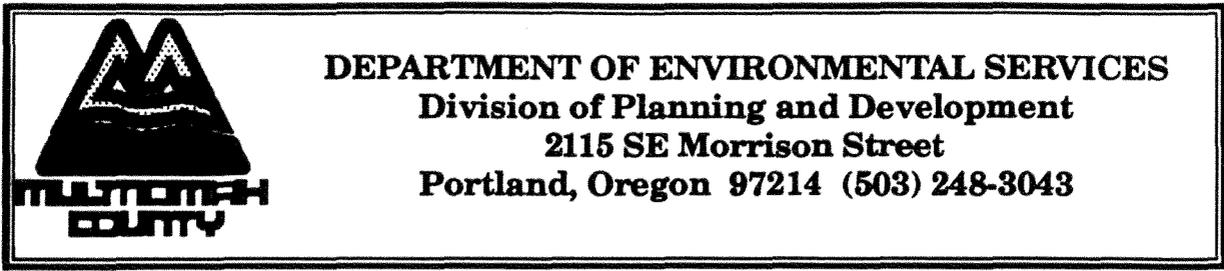


Exhibit #4

Cross Sections
**ANGELL BROTHERS QUARRY -
 PROPOSED EXPANSION**
 Multnomah County,
 Oregon

deen
 DAVID EVANS AND ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 1000 NE 11TH AVENUE, SUITE 100
 PORTLAND, OREGON 97232-1000
 TEL: (503) 251-1000

DATE	BY	CHKD
11/10/00	DEAN	DEAN
11/10/00	DEAN	DEAN
11/10/00	DEAN	DEAN



Decision

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

August 13, 1990

CU 16-90, #625 Conditional Use Request
(Tape Recording Studio and Mail Order Business)

Applicant requests conditional use approval for a cottage industry. Plans are to remodel the existing garage into an office, recording studio and shipping area. There would be no walk-in customer traffic, all orders would be received and filled by mail. Five employees are anticipated

Location: 6920 SE Hogan Road

Legal: Tax Lots '6' and '27', Section 23, 1S-3E,
1990 Assessor's Map

Site Size: 8.72 Acres

Size Requested: Same

Property Owner: Gregg E. Harris
6920 SE Hogan Road, Gresham, 97080

Applicant: Same

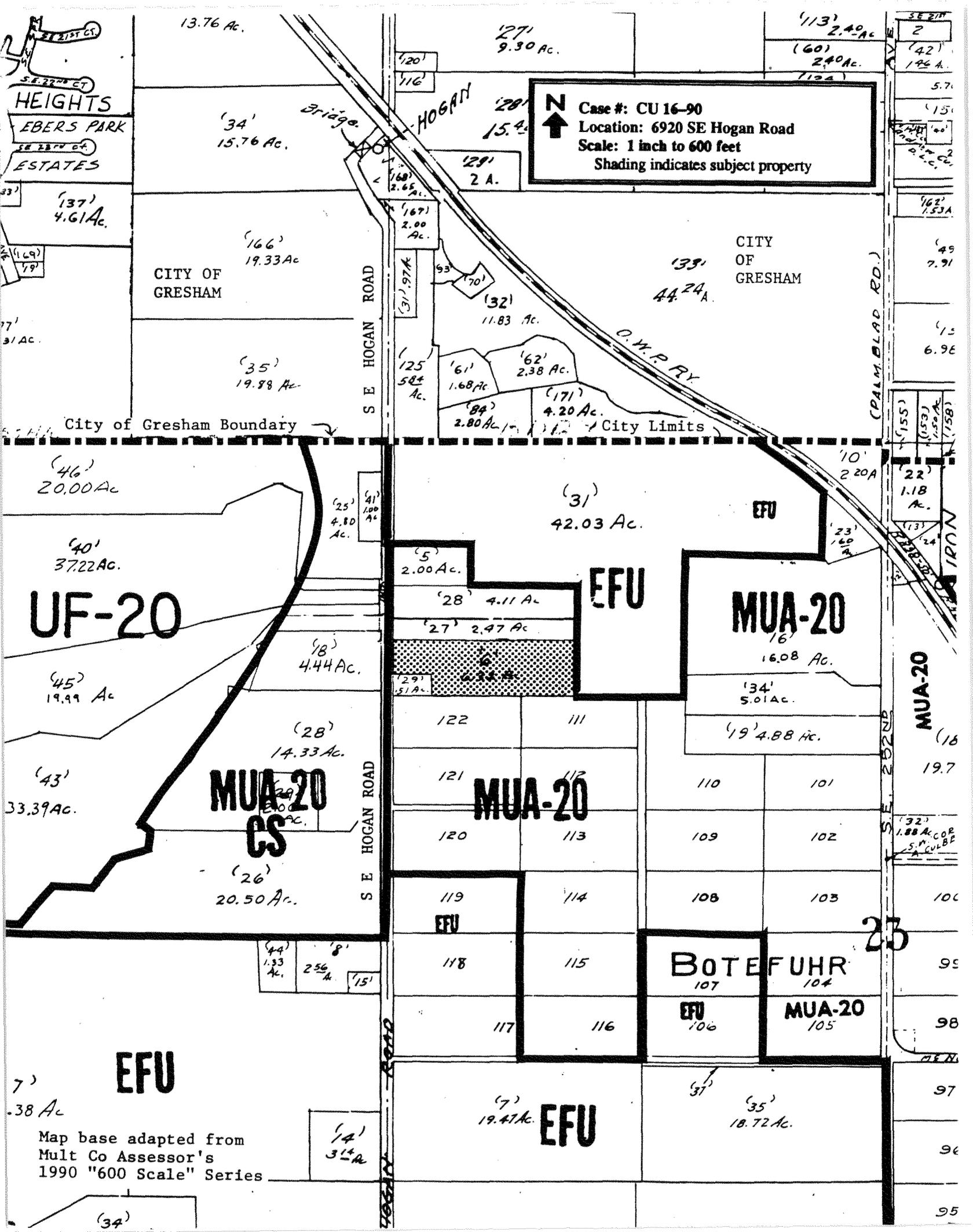
Comprehensive Plan: Multiple Use Agricultural

Present Zoning: MUA-20, Multiple Use Agricultural District,
Minimum lot size of 20 acres

PLANNING COMMISSION DECISION

Approve, subject to conditions, the requested Conditional Use, based on the following Findings and Conclusions.

CU 16-90



N
↑ Case #: CU 16-90
 Location: 6920 SE Hogan Road
 Scale: 1 inch to 600 feet
 Shading indicates subject property

CITY OF GRESHAM

CITY OF GRESHAM

City of Gresham Boundary

City Limits

UF-20

MUA-20
CS

MUA-20

MUA-20

MUA-20

EFU

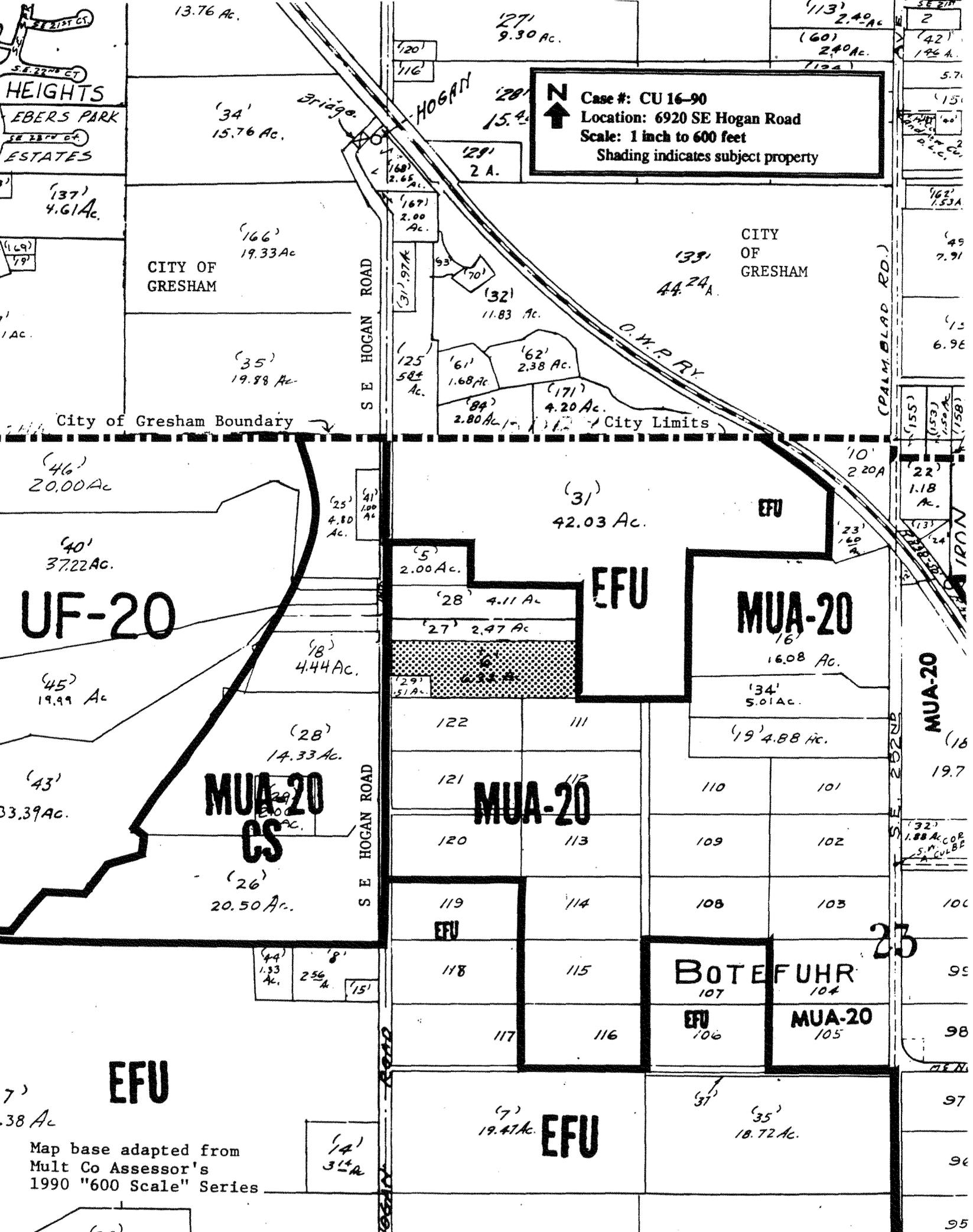
EFU

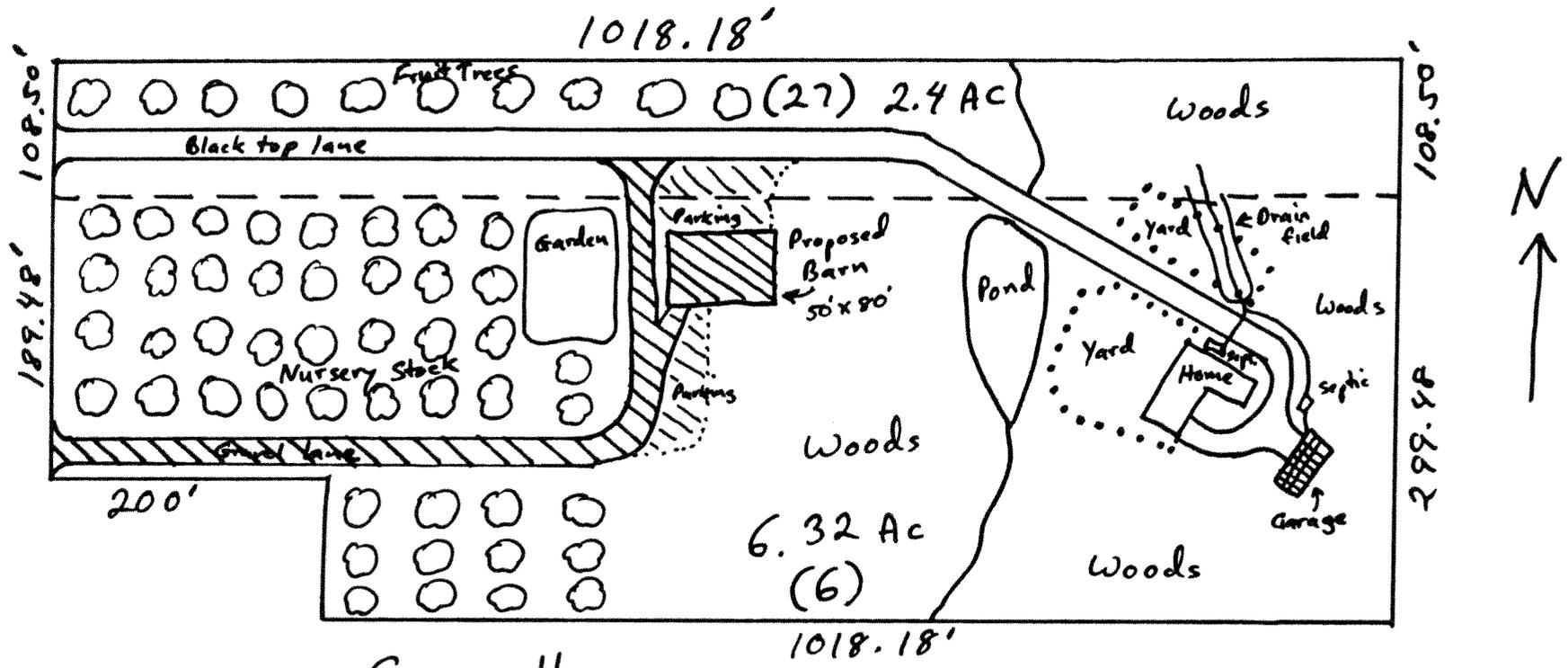
BOTEFUHR

MUA-20

25

Map base adapted from
 Mult Co Assessor's
 1990 "600 Scale" Series





Gregg Harris
 6920 S.E Hogan Rd.
 Gresham OR 97080

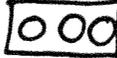
Zoned Multiple Use Agriculture

 Proposed barn & driveway

$\frac{1}{4}'' = 26.10 \text{ ft.}$

 Garage Under construction as of 6/3/90

 Woods Wooded Area

 Nursery Stock Area

Conditions of Approval

1. Prior to remodeling or occupancy of the building for the expanded commercial use, obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building colors. Contact Mark Hess at 248-3043 for additional information.
2. Prior to remodeling or occupancy of the building for the expanded commercial use, comply with the following Engineering Services Division requirements:
 - A. Dedicate additional right-of-way along SE Hogan Road to provide a total of 45 feet from centerline where the subject property abuts SE Hogan Road.
 - B. Commit to participate in future improvements on SE Hogan Road through deed restrictions. Contact Ike Azar at 248-5050 for additional information.
3. The total number of employees, in addition to the six (6) resident members of the applicant's family, shall not exceed ten (10) persons.
4. Hours of operation for the business authorized by this conditional use shall be from 9:00 a.m. to 5:00 p.m. Monday through Friday.
5. Except for parcel pick-up, all activities associated with the business authorized by this conditional use shall be conducted indoors.
6. Prior to remodeling or occupancy of the building for the expanded commercial use obtain written confirmation from the County Sanitarian that the on-site sewage disposal system on the site will be adequate to accommodate a total of 16 people including six (6) occupants of the residence plus ten (10) employees.
7. Nothing in this conditional use approval shall authorize any residential use of the subject property except for the existing detached single-family residence.

Findings of Fact:

1. **Applicant's Proposal:** The applicant is a professional author and conference speaker who travels nation-wide, speaking in family conferences on topics related to children, education and family life. When speaking, he tape-records his messages and sells the tapes, along with books he has written, by mail to people interested in his topics. Until now, the applicant's business has qualified as a "home occupation" because there have been no employees beyond family members. Since the applicant now needs a secretary, a phone receptionist, a sound technician, and a mail order fulfillment person, he can no longer operate as a home occupation.

Pending conditional use approval the applicant plans to remodel his garage into an office, recording studio, and shipping area. Although he plans to have five employees initially, the applicant anticipates that as many as four more employees may be needed on a temporary basis during surges in production and shipping activity. The applicant has stated that he does intend to have no more than ten employees at this location in the future. UPS will pick up packages daily.

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Continued

According to the applicant, there will be no walk-in customer traffic, because all orders are received and filled by mail.

2. Site Conditions and Vicinity Information:

- A. The site is located on the east side of SE Hogan Road about 1/5 mile south of the Gresham city limits. The site includes two tax lots with a total of 8.72 acres. The westerly portion of the site is planted with nursery stock and the easterly portion of the site is wooded, with a pond to the west of the residence. The applicant obtained building permit approval for a garage-storage building in June of 1990. The garage is currently nearing completion. The Comprehensive Framework Plan designates the site as Multiple Use Agricultural, and the zoning designation is MUA-20, Multiple Use Agricultural District.
- B. **Street Dedication: (SE Hogan Road):** The site abuts SE Hogan Road. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to dedicate 20 feet of additional right-of-way in SE Hogan Road abutting the site as a condition of approval.
- C. **Future Street Improvements (SE Hogan Road):** Southeast Hogan Road is not fully improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to commit to participate in future improvements to the abutting road through deed restrictions as a condition of approval.

3. Ordinance Considerations (MCC 11.15):

- A. The Zoning Ordinance defines a *"cottage industry"* as *"A processing, assembling, packaging or storage industry generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volume and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line"* (MCC 11.15.0010).
- B. Under MCC 11.15.2132(C) the approval authority must find, in approving conditional use for a cottage industry, that the site is on *"land not predominantly of Agricultural Capability Class I, II or III Soils."*
- C. The proposal must satisfies the general Conditional Use Approval Criteria in MCC 11.15.7120. For the proposal to satisfy those criteria, the approval authority must find that the use:
 - (1) *Is consistent with the character of the area;*
 - (2) *Will not adversely affect natural resources;*

- (3) *Will not conflict with farm or forest uses in the area;*
- (4) *Will not require public services other than those existing or programmed for the area;*
- (5) *Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;*
- (6) *Will not create hazardous conditions; and*
- (7) *Will satisfy the applicable policies of the Comprehensive Plan.*

4. **Response to Conditional Use Approval Criteria:** *NOTE:* In this section, the applicant's responses to the approval criteria are in helvetica type. Staff discussion of applicant responses appear in paragraphs titles **Staff Comment**.

A. **Consistency with Definition of Cottage Industry [MCC 11.15.0010(C)]:**

As stated above, the applicant's business involves the editing, packaging, storage and mailing of audio cassettes of his speaking appearances along with mailing of books he has written. These activities fit the code definition of a **"processing, assembling, packaging or storage industry."** The applicant plans to have five employees initially, with a maximum future employment of ten, or half the number allowed under the code definition. A maximum employment limit is a condition of approval. The applicant states that all activities will be conducted within an enclosed building located on site. Inside operation is a condition of approval. The County has no record of any other "cottage industries" in the vicinity. The applicant states that there will be no walk-in customer traffic, because all orders are received and filled by mail or parcel service. The editing, packaging, storage and shipping of audio cassettes should not produce any **"noise, smoke, odor, dust, glare or vibration detectable at any property line"** For these reasons, the proposal is consistent with the definition of a cottage industry in MCC 11.15.0010.

B. **Land Not Predominantly of Agricultural Capability Class I, II or III Soils [MCC 11.15.2132(C)]:**

Applicant's Response

The applicant's material does not specifically address soil classification.

Staff Comment

The US Soil Conservation Service *Soil Survey of Multnomah County, Oregon* indicates on Sheet No. 28 that the site contains soil classifications 7C (Cascade silt loam, 8-15 percent slope) and 7D (Cascade silt loam, 15-30 percent slope). The *Soil Survey* states that the 7C soil "is capability subclass IIIe" and the 7D soil "is capability subclass IVe." Although the subject site has some soil that is class III, the site does not appear to be "predominantly" class III. Furthermore, the activity allowed under the proposed conditional use would all occur in existing structures. No new construction would occur and no additional soil would be taken out of agricultural or forest production. For these reasons the proposal satisfies [MCC 11.15.2132(C)]

B. General Conditional Use Criteria (MCC 11.15.7120)

- (1) *Consistent with the character of the area;* [MCC 11.15.7120(A)]

Applicant's Response

The wooded seven acres will be kept in forest deferral, and the nursery farming on the remaining one and one-half (1 1/2) acres will be continued. All activities related to our mail order business will be done indoors, so it will not affect any natural resources, or be in conflict with the farm or forest uses of the property.

Staff Comment

As shown on the applicant's site plan, the garage housing the business is to the rear of the site away from the road. Wooded areas surround the business site in all directions for at least 200 feet. For these reasons and for those stated by the applicant, the proposal satisfies MCC 11.15.7120(A).

- (2) *Will not adversely affect natural resources;* [MCC 11.15.7120(B)]

The applicant plans to continue the use of the farm and forest portions of his property without change. The proposed cottage industry will occupy a portion of the site that is not presently in farm or forest use. For these reasons and for those stated in Finding 4.B(1) the proposal satisfies MCC 11.15.7120(B).

- (3) *Will not conflict with farm or forest uses in the area;* [MCC 11.15.7120(C)]

For those stated in Finding 4.B(2) the proposal satisfies MCC 11.15.7120(C).

- (4) *Will not require public services other than those existing or programmed for the area* [MCC 11.15.7120(D)]

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Continued

Applicant's Response

We will not need additional public service to those existing for the area. We will upgrade our septic system if need be to handle the additional water flow of employees.

Staff Comment

Written verification by the County Sanitarian that on-site sewage disposal facilities are adequate for the proposed business is a condition of approval. For these reasons and for those stated by the applicant, the proposal satisfies MCC 11.15.7120(D).

- (5) *Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable* [MCC 11.15.7120(E)]

The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife. For this reason the proposal would satisfy MCC 11.15.7120(E)

- (6) *Will not create hazardous conditions;* [MCC 11.15.7120(F)]

For those stated in Finding 4.A, the proposal satisfies MCC 11.15.7120(F).

- (7) *Will satisfy the applicable policies of the Comprehensive Plan.* [MCC 11.15.7120(G)] The following Comprehensive Plan Policies are applicable to the proposed conditional use. The proposal satisfies those policies for the following reasons:

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

Staff Comment

No significant impact on air pollution will result from the recording studio and tape mail order business allowed by approval of the proposed conditional use. Verification by the County Sanitarian that on-site sewage disposal facilities will be adequate for the proposed use is a condition of approval. For these reasons the proposal satisfies Policy 13.

- (b) **No. 14 - Development Limitations** This policy is concerned with mitigating or limiting the impacts of developing areas that have any of the following

characteristics: slopes exceeding 20%; severe soil erosion potential; land within the 100 year floodplain; a high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year; a fragipan less than 30 inches from the surface; and land subject to slumping, earth slides or movement

Staff Comment

There are no slopes exceeding 20 percent on the site and it is not in the 100-year flood plain. There is no evidence of a fragipan, high seasonal water table, erosion potential or earth movement. Grading of the employee parking area and remodeling of the garage are the only development activity connected with the proposed business. For this reason, the proposal satisfies Policy 14.

- (c) **Policy No. 36 - Transportation System Development Requirements:** Conditions of approval require the owner to dedicate additional right-of-way and commit to the future improvement of the abutting public roads through deed restrictions. Those future improvements would include sidewalks, curbs and additional paving in the right-of-way adjacent to the subject property. Subject to those conditions, the proposal satisfies Policy 36.

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

A private well provides water to the property. Written verification from the County Sanitarian of the adequacy of on-site sanitation facilities is a condition of approval. For these reasons, the proposal satisfies Policy 37.

- (i) **Policy 38 - Facilities** This policy requires that public facilities be available to serve the use. The property is located in the Gresham School District, which will not have to accommodate any additional student enrollment as a result of approval of this request. Multnomah County Fire District No. 10 provides fire protection, and the Multnomah County Sheriff's Office provides police protection. For these reasons the proposal satisfies Policy 38.

Conclusion:

1. Subject to the recommended conditions, the proposal satisfies the Conditional Use Approval Criteria due its consistency with the character of the area and consistency with Comprehensive Plan Policies.

Decision
August 13, 1990

CU 16-90
Continued

IN THE MATTER OF CU 16-90

Signed August 13, 1990


By Richard Leonard, Chairman

Filed With the Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00 a.m. on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



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

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
August 13, 1990

PD 1-90a, #421 Planned-Development (Aspen Meadows) **(Modification of Previous Conditions)**

Applicant requests modification of previous Planned-Development approval (PD 1-90) to allow development of the mobile home park in phases. Phase 1 would involve that portion of the site above 210 foot elevation and Phase 2 that portion below. Applicant also requests modification of Condition #2 of PD 1-90 to require a response from the neighborhood regarding selection of the second professional within 30 days of receipt of a request by the applicant.

Location: 13300 SE Holgate Blvd.

Legal: Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1, Sunset Gardens;
Lot 15, Blk. 2; Tax Lots '501', '442' '6' and '4', Section 14, 1N-2E,
1988 Assessor's Map

Site Size: 25.22 Acres (1,098,583 Square Feet) acres

Size Requested: Same

Property Owner: David Douglas School District #40
1500 SE 130th Avenue, 97233

Applicant: Jeffrey L. Payne
PO Box 69253, Portland, 97201

Comprehensive Plan: Low Density Residential

Present Zoning: LR-10, FF, Low Density Residential, Flood Fringe District
Minimum lot size of 10,000 square feet
LR-7, FF, Low Density Residential, Flood Fringe District
Minimum lot size of 7,000 square feet

:

PD 1-90a

ZC 53-58 AGR E Z 3-58

SE MALL

LR-10 TRACTS WILEY RE TRACTS

Zoning Map
 Case #: PD 1-90
 Location: 13300 SE Holgate Blvd.
 Scale: 1 inch to 200 feet
 Shading indicates subject property

FF

LD 26-81

FF

LONG

LR-10

HOLGATE

ST LAR

LR

3543

LR-7

VERDANT

SLOPE

RIDGECREST

S.E. STEELE STR

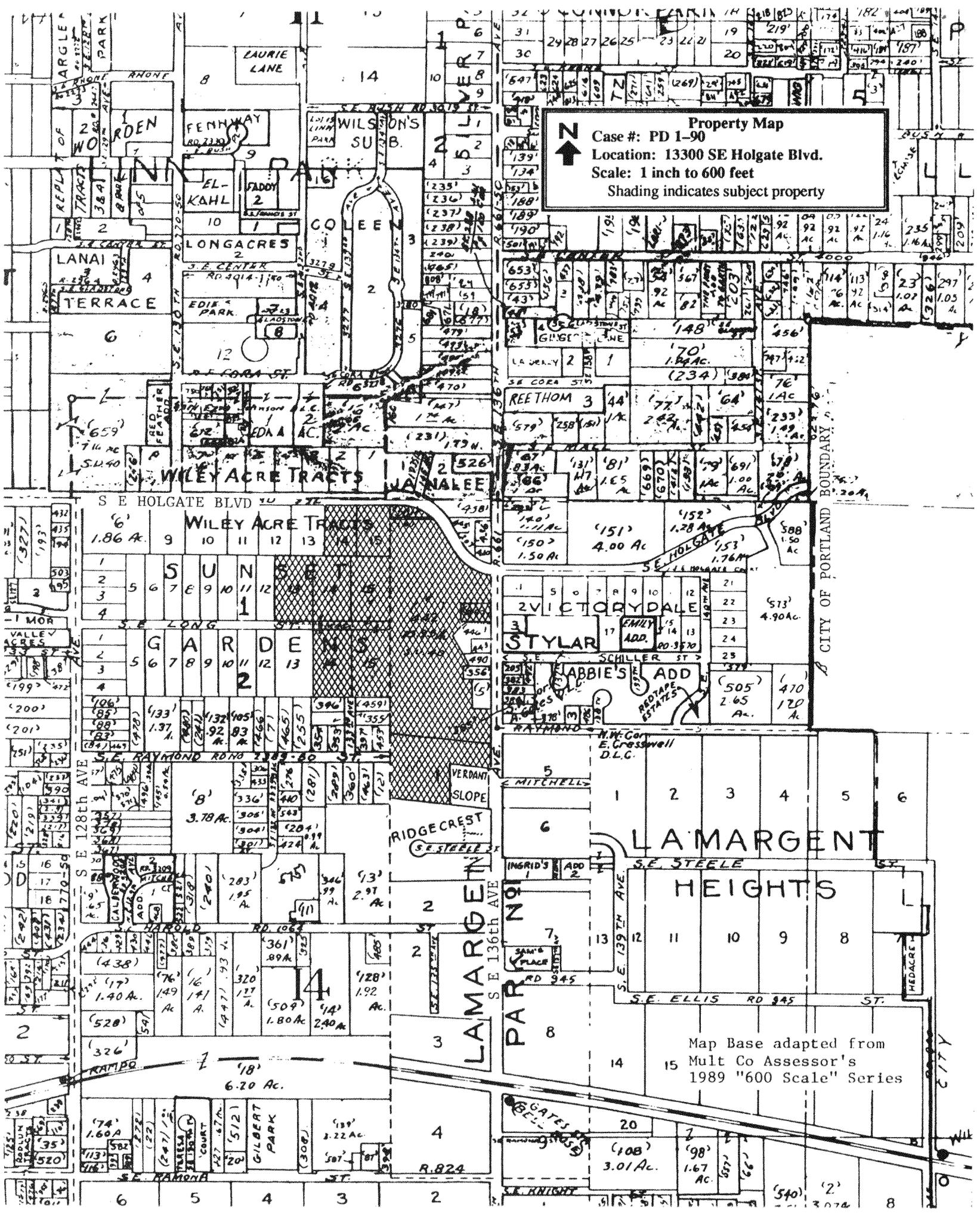
SE 4330 MITCHELL ST

LD 74-81

LR-10

RD 1064 A 50 S E HAROLD ST

Property Map
 Case #: PD 1-90
 Location: 13300 SE Holgate Blvd.
 Scale: 1 inch to 600 feet
 Shading indicates subject property



CITY OF PORTLAND BOUNDARY

Map Base adapted from
 Mult Co Assessor's
 1989 "600 Scale" Series

Planning Commission

Decision:

DENY requested modification of Conditions of Approval of PD 1-90 and ZC 1-90 as proposed by the applicant;

APPROVE modification of Condition No. 1 to allow a phased development with Phase I including only that pre-1963 area above 210' elevation, and inclusion of a thirty day selection period as a second paragraph of Condition No.2. Further, require that the grading and landscaping required by Conditions No. 5 & 6 of the Final Board Order be completed in the Phase II area within one year of the completion of Phase I. All other conditions of the ZC 1-90 and PD 1-90 approvals shall remain in full force and affect.

Applicant's Request:

Applicant requests the following modifications of the attached Final Order (copy attached) in the matter of PD 1-90 and ZC 1-90:

This is a request to modify three elements of the Final Order approving the development of the property as a 117 space manufactured home development. The necessity for these modifications was not apparent prior to the granting of said Order:

1. The Final Order in section III D (f) page 13 line 7, stated there was no request for phasing of the development however the applicant did request the right to phase the development in the applicant's Planned Development application supplement on page 11. MCC 11.15.6206 (6) allows Planned Developments to be phased. Phasing is requested to allow development of the property in that area which presently is developable without the addition of new fill, subject to the conditions of MCC 11.15.6315, which is generally that area south and above the 210' elevation, "Phase I".
- 2.a. Limit Condition 2 of Section IV, page 13, line 18, of the Final Order to that area generally below 210' in elevation which would require additional "fill proposed by this development", thus becoming "Phase II", which would allow development to proceed in the Phase I area.
- 2.b. Modify Condition 2 of Section IV, page 13, line 22, of the Final Order to limit the definitive response time of the neighborhood to 30 days following receipt of a request by the applicant (*i.e.*, selection of a reviewing engineer). Failure to meet this deadline would empower the Board to respond on behalf of the neighborhood upon its next available meeting.

The validity of the location of the 210' elevation, because of revised data provided by a registered surveyor on February 1, 1990, shall be subject to interpretation by the Multnomah County Counsel and/or the Multnomah County Engineer. Filling of the floodplain area of the property was approved by Multnomah County Fill Permit FD 1-90. Any new, additional or proposed fill for the development of that area of the property within the 100 year floodplain would be subject to Condition 2 of Section IV page 13 line 18 of the Final Order and subject to a new fill permit under the new "Hillside Devel-

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PD 1-90a

opment and Erosion Control" provision of MCC 11.15.6700-.6735. (See page 6 of FD 1-90, Conclusions, paragraph 1)

Staff Response:

1. The applicant asserts that the original application contained a request for phasing as currently proposed.

The phasing that was requested was for development of the northerly portion of the site first (the filled area) and the southerly portion later if economics warranted. Since the fill area became a major area of concern, such a phasing request was withdrawn from consideration.

The staff would support a phased development of the property if Phase I were limited to that area unaffected by fill (*i.e.*, the pre-1963 area above 210' elevation). The applicant, however, wishes to include within that phase all of the area that has been filled to an elevation of 210' and above. That proposed area includes all but 11 of the proposed 106 lots shown on the latest site plan for the project. Since the fill was placed without any regard to content, compaction, or other engineering considerations, it should not be developed until it can be demonstrated it provides adequate foundation material for the proposed development.

- 2.a. The applicant wishes to limit the scope of the soil conditions study to that area that may require fill in the future.

There was a concern throughout the hearings on this application about what impact additional fill would have on flooding potential on surrounding properties. The condition regarding the hydrologic study addressed that concern and applies only to new fill areas.

The applicant, however, implies that no study will need be made of the fill placed on the property between 1963 and 1990. He cites the permit granted for that fill by FD 1-90 (copy attached). That permit did no more than recognize that fill had been placed on this site during a time that such a permit was required, but no standards existed for review of such permits.

FD 1-90 also does not authorize the placement of structures or residences on the existing fill (items (A),(D), (E) and (F) of that approval. New construction, grading or other site modifications are not allowed without showing compliance with the hillside development and erosion control standards adopted during Periodic Review. Subsection 11.15.6730(A)(1)(a) of those standards authorizes the Director to delegate determination of what additional studies or work may be needed to determine the adequacy of the fill material to support the proposed development. For properties within the City of Portland permit review area, that delegation has been to Bill Freeman, geotechnical engineer for the Building Bureau. Mr. Freeman indicates that, due to the unknown nature of the fill material on the entire site, a geotechnical study will have to be conducted on the previously placed fill to determine support capabilities,

and that much of that fill may have to be removed and replaced under engineered control. Since such removal and replacement would alter the nature of that fill and consequently also alter its hydrologic characteristics, the Staff would not recommend modification of Condition 2.a. of the Board Order.

- 3.b. The last request involves a 30 day limitation for the selection of a second reviewing consultant.

A 30 day time period for selection of a second reviewing consultant was agreed upon by the applicant and neighbors in their meeting of May 14, 1990. The paragraph containing that limitation, however, was accidentally omitted from the Final Order. The stipulation read:

In the event an agreement cannot be reached on the selection of the second professional within thirty days of the submission of the first study to the Division of Planning and Development, the Board shall arbitrate.

The Staff recommends inclusion of this omitted paragraph as the last paragraph of Condition No. 2 of the Final Order.

Conclusions:

1. Modification of Conditions of PD 1-90 and ZC 1-90 as proposed by the applicant would destroy the spirit and intent of those conditional approvals.
2. The following modifications would maintain the original intent of those approvals:
 - a. Approve a phased development of the project, where Phase I includes only that pre-1963 area above 210' elevation as depicted on the 1:1200 topographic maps for quarter sections 3543 and 3544.
 - b. Include the thirty day selection period for the second professional as a last paragraph in Condition No.2.
3. All fill material, including modifications of existing fill, are intended to be a part of the required hydrologic study since any changes of the characteristics of the fill material may have a potential effect on flooding on surrounding properties.

Signed August 13, 1990



Richard Leonard, Chairperson *RL*

Filed with Clerk of the Board on August 23, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 9:00a.m. on Tuesday, September 4, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, September 4, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

1 *dards; to encourage the application of new techniques and new*
2 *technology to community development which will result in supe-*
3 *rior living or development arrangements; to use land efficiently*
4 *and thereby reduce the costs of housing, maintenance, street sys-*
5 *tems and utility networks; to promote energy conservation and*
6 *crime prevention; to relate developments to the natural environ-*
7 *ment and to inhabitants, employers, employees, customers, and*
8 *other users in harmonious ways.*

9 (d) That the system of ownership and the means of developing, pre-
10 serving and maintaining open space is suitable to the purposes of
11 the proposal.

12 (e) The following environmental standards:

13 (1) The Development Plan and Program shall indicate how the pro-
14 posal will be compatible with the natural environment.

15 (2) The elements of the Development Plan and Program shall pro-
16 mote the conservation of energy, and may include such factors
17 as the location and extent of site improvements, the orientation
18 of buildings and usable open spaces with regard to solar expo-
19 sure and climatic conditions, the types of buildings and the
20 selection of building materials in regard to the efficient use of
21 energy and the degree of site modification required in the pro-
22 posal.

23 (3) The Development Plan and Program shall be designed to pro-
24 vide freedom from hazards and to offer appropriate opportuni-
25 ties for residential privacy and for transition from public to pri-
26 vate spaces.

1 (4) The location and number of points of access to the site, the inte-
2 rior circulation patterns, the separations between pedestrians
3 and moving and parked vehicles, and the arrangement of park-
4 ing areas in relation to buildings, structures and uses shall be
5 designed to maximize safety and convenience and be compatible
6 with neighboring road systems, buildings, structures and uses.

7 (f) That the proposed development can be substantially completed
8 within four years of the approval or according to development
9 stages proposed as follows:

10 (1) The applicant may elect to develop the site in successive stages
11 in a manner indicated in the Development Plan and Program.
12 Each such stage shall satisfy the requirements of this Chapter.

13 (2) In acting to approve the Preliminary Development Plan and
14 Program, the Planning Commission may require that develop-
15 ment be completed in specific stages if public facilities are not
16 otherwise adequate to service the entire development.

17 (g) The following Development Standards:

18 (1) A Planned Development District shall be established only on a
19 parcel of land found by the Planning Commission to be suitable
20 for the proposed development and of sufficient size to be
21 planned and developed in a manner consistent with the purpos-
22 es stated in MCC .6200.

23 (2) Open space in a Planned Development District means the land
24 area used for scenic, landscaping or open recreational purposes
25 within the development.

26 (a) Open space shall not include street rights-of-way, driveways

1 or open parking areas.

2 (b) Locations, shapes and sizes of open space shall be consistent
3 with the proposed uses and purposes of the Planned Develop-
4 ment.

5 (c) Open spaces shall be suitably improved for intended use.
6 Open spaces containing natural features worthy of preserva-
7 tion may be left unimproved or may be improved to assure
8 protection of the features.

9 (d) The development schedule shall provide for coordination of
10 the improvement of open spaces with the construction of
11 other site improvements proposed in the Development Plan
12 and Program.

13 (e) Assurance of the permanence of open spaces may be required
14 in the form of deeds, covenants or the dedication of develop-
15 ment rights to Multnomah County or other approved entity.

16 (f) The Planning Commission may require that instruments of
17 conveyance provide that in the event an open space is per-
18 mitted to deteriorate or is not maintained in a condition con-
19 sistent with the approved plan and program, the County
20 may at its option cause such maintenance to be done and
21 assess the costs to the affected property owners. Any instru-
22 ments guaranteeing the maintenance of open spaces shall be
23 reviewed as to form by the County Counsel.

24 (3) In order to preserve the integrity of the Comprehensive Plan
25 and relate to a residential Planned Development to it, the num-
26 ber of dwelling units permitted shall be determined as follows:

1 (a) Divide the total site area by the minimum lot area per
2 dwelling unit required by the underlying district or districts
3 in which the Planned Development is located.

4 (b) Optional Density Standards. The following standards for the
5 calculation of residential density may be used singularly or
6 in combination, when approved by the Planning Commis-
7 sion:

8 (i) The permitted number of dwelling units determined
9 under subsection (A) above may be increased up to 25
10 percent upon a finding by the Planning Commission that
11 such increased density will contribute to:

- 12 • Satisfaction of the need for additional urban area
13 housing of the type proposed;
- 14 • The location of housing which is convenient to com-
15 mercial, employment and community services and
16 opportunities;
- 17 • The creation of a land use pattern which is comple-
18 mentary to the community and its identity, and to the
19 community design process;
- 20 • The conservation of energy;
- 21 • The efficient use of transportation facilities; and
- 22 • The effective use of land and of available utilities and
23 facilities.

24 (ii) The permitted number of dwelling units may be increased
25 over those computed above upon a finding by the Plan-
26 ning Commission that:

- The total number of persons occupying the site will not exceed the total otherwise permitted or authorized in the district, based upon the difference between the average family size occupying permitted units in the vicinity and the family size limited by the proposed number of bedrooms, the proposed number of kitchens, the age composition of prospective residents, or other similar occupancy limitations; and
- The criteria of (i) above are satisfied.

(h) The purposes of the Planned Development subdistrict; and

(i) That modifications or conditions of approval are necessary to satisfy the purposes of the Planned Development subdistrict.

II. FINDINGS OF FACT

This property is located at the southwest corner of the intersection of SE 136th Avenue and SE Holgate Street. The site is undeveloped and the majority has been in the ownership of David Douglas School District since 1965. The site slopes downward from south to north, with the northerly portion being a portion of an area which experiences occasional flooding and is known as Holgate Lake. That area, however, has undergone extensive filling and the area which would be subject to flooding is greatly reduced, if not eliminated. Properties on all sides of the site are developed for residential purposes.

The applicant plans to develop the property with a 124-unit mobile home park at a density of approximately one unit per 8,860 square feet. While individual lot sizes will be less than that allowed by the present LR-10 and LR-7,

1 the resulting site density is not significantly different than what would be real-
2 ized by a subdivision development of the entire site under the provisions of the
3 existing zoning. The difference results from the proposed provision of open
4 space, common areas and a water feature.

5 The proposed development includes the completion of the public street sys-
6 tem for the surrounding area. Engineering Services is requiring that SE 133rd
7 Avenue and SE Raymond Street be *cul-de saced*, but be connected with the inte-
8 rior streets of the development for emergency access purposes. SE Long Street
9 will be *cul-de saced* at the westerly boundary of the project. The main access to
10 the development will be from SE Holgate Blvd. and 136th Avenue.

11 Interior development is proposed to be comparable to that of the Meadowland
12 mobile home development at 160th and SE Powell Blvd. The perimeter will be
13 fenced from adjoining properties, areas around individual sites will be land-
14 scaped, a common storage area will be provided, and an office/clubhouse is pro-
15 posed. Each site will be provided a garage or carport area and all units must be
16 of a minimum size of 950 square feet.

17 18 III. EVALUATION OF THE APPLICATION 19

20 After hearing testimony, arguments and weighing the evidence, the Board
21 finds the proposal satisfies the approval criteria and review standards as set
22 forth below.

23 A. *Public Interest:* It is in the public interest to provide communities with
24 a range of affordable housing types. The LR-7 zoning district recog-
25 nizes this fact by allowing mobile home parks as a Conditional Use.

26 B. *Public Need:* There is a public need for providing additional areas

1 within the County where manufactured homes may be located. As the
2 cost of site built homes increases to an average of nearly \$65 per
3 square foot, fewer residents are able to afford them. Manufactured
4 units, then, which average around \$25 per square foot become an
5 attractive option, and one which more of the population is turning as
6 witnessed by the low vacancy rates in existing developments.

7 C. *Compliance with Applicable Comprehensive Plan Policies:* This pro-
8 posal satisfies the following policies of the Comprehensive Framework
9 and Powellhurst Community plans:

10 (a) No. 13—Air, Water and Noise Quality: No adverse impacts with
11 respect to air, water and noise quality have been identified which
12 would result from this development.

13 (b) No. 14—Development Limitations: The northern portion of this
14 site is within a designated flood hazard area. However, a large por-
15 tion of that area has been filled with earthen material over the
16 years. The flood elevation of this area is identified by FEMA as
17 being 210 feet above MSL. A 1963 topographic map indicates that
18 the lowest elevation of the site was 190.1 feet. Staff inspection of
19 the property concluded that it is possible that the depth of fill
20 material for a significant portion of the flood hazard area may have
21 raised the ground elevation above the 210 foot elevation.

22 The Board heard testimony from surrounding property owners
23 regarding their concern that the fill necessary to raise portions of
24 this site above the 100 year floodplain would increase the flooding
25 potential on their properties. The applicant provided an analysis
26 from Ogden Beeman & Associates indicating that the fill would not

1 have a significant impact with respect to flooding potential on sur-
2 rounding properties. Planning Staff received and the Board heard
3 conflicting information from the Department of Land Conservation
4 and Development, the Army Corps of Engineers and the Federal
5 Emergency Management Agency. The Board does not find any of
6 this information convincing; therefore, conditions approval of this
7 proposal that certification be obtained from a registered profession-
8 al, licensed to practice in Oregon, that the fill required by this pro-
9 ject will not increase the flooding potential on surrounding proper-
10 ties [see IV(2)].

11 (c) No. 16—Natural Resources: With the exception of the flood hazard
12 area identified in (b) above, there are no natural resources that
13 have been identified which would be impacted as a result of the
14 proposed zone change and planned development.

15 (d) No. 21—Housing Choice: This proposal provides for the location of
16 housing units at a cost well below that of site built residences.

17 (e) No. 22—Energy Conservation: This proposal would allow the opti-
18 mum use of solar access for its residents. North-south street and
19 east-west site layout results maximum solar potential for the units.

20 (f) No. 24—Housing Location: This proposal allows the infill of vacant
21 urban land with a housing type that is currently in great demand.

22 (g) No. 25—Mobile Homes: Development of this property with a
23 mobile home complex under the provisions of the Planned Develop-
24 ment subdistrict satisfies this policy.

25 (h) No. 36—Transportation System Development Requirements: Engi-
26 neering Services is requiring the following improvements:

- 1 • Dedicate and improve *cul-de-sacs* at east end of SE Long Street,
2 SE Raymond Street, and the north end of SE 133rd Avenue.
3 The *cul-de-sacs* on SE Raymond Street and SE 133rd Avenue
4 shall connect to the internal street system of the project, but be
5 designed to prevent through vehicular traffic while allowing
6 emergency access.
- 7 • Relocate proposed main entrance west as far as practical to
8 maximize sight distance on SE Holgate Blvd.
- 9 • Create new access point approximately 200 ft. south of SE Hol-
10 gate Blvd. on SE 136th Avenue.
- 11 • Dedications and improvements to county standards (60 ft. of
12 right-of-way with a 44 ft. pavement section, curb and sidewalks
13 for SE 136th Avenue, and 80 ft. right-of-way with a 66 ft. pave-
14 ment section for SE Holgate Blvd.), will be required.
- 15 • If the internal street connects to SE 133rd Avenue, it must be
16 improved to its intersection with SE Raymond Street
- 17 • The improvements of the private streets are not subject to our
18 standards for public streets.

19 (i) No. 37—Utilities: Water is provided by Gilbert Water District who
20 indicates they are capable of serving the project with water at 50
21 pounds pressure. Sewage disposal will be via public sewer which is
22 available at SE 136th and Holgate. Drainage is handled on-site by
23 means of dry wells. All necessary power and communication facili-
24 ties are available along both street frontages.

25 (j) No. 38—Facilities: David Douglas School District has been
26 informed of this request and has made no response. Fire protection

1 is provided by Fire District No. 10 and police protection by the
2 Multnomah County Sheriff.

3 D. Additional Planned Development Considerations: A number of the
4 Planned Development approval criteria are discussed in (C) above and
5 a number of others are not applicable to this proposal since they
6 involve the processing of special requests which are not being made by
7 this applicant (*e.g.*, land division, density increase, *etc.*). Those that
8 remain are satisfied as follows:

9 (a) *System of Ownership* — It is proposed that this project remain
10 under single ownership. That has been found to be the best
11 method of insuring that open space is adequately preserved and
12 maintained.

13 (b) *Size* — This parcel is of sufficient size (25.22 acres) to be suitable to
14 accommodate the development as proposed. It allows a system of
15 mainly private streets, sizable areas of open space, and energy effi-
16 cient dwelling location.

17 (c) *Development and Placement of Open Space* — This is an item that
18 is best controlled through the Design Review Process. The
19 approval is conditioned to insure that these items will be provided.

20 (d) *Density* — The proposed density is less than that which could be
21 achieved through a subdivision of the land, a far less than that pos-
22 sible through the planned development process.

23 (e) *Satisfaction of Planned Development Purpose* — This proposal is an
24 efficient use of undeveloped urban land. It employs development
25 techniques different than that of a conventional subdivision by cre-
26 ating a circulation pattern that is mainly in private ownership;

1 matter shall be returned to the Board of County Commissioners for fur-
2 ther consideration.

3 (3) All existing and any new fill associated with roadways, building founda-
4 tions and any other areas requiring compacted fill shall be tested and
5 meet soil compaction and quality standards as determined by a registered
6 soils engineer and as approved by the Building Official.

7 (4) An on-site storm water drainage system shall be developed with sufficient
8 capacity to detain storm water in dry-wells or retention ponds so no net
9 increase in off-site discharge of storm water flow results from develop-
10 ment of the site. An engineering certification shall be included as part of
11 Design Review which assures satisfaction of this condition.

12 (5) Areas of existing fill and any new areas of fill that may be required by the
13 development plan shall be constructed in accordance with a transition
14 grading plan to the adjacent lower properties and based on the following
15 formula:

16 (a) In areas where fill will result in a final finished grade that is 10
17 feet or less higher in elevation than the adjacent property elevation
18 at the property boundary, the development plan shall show a tran-
19 sition slope of no steeper than 3 feet horizontal to 1 foot vertical.

20 (b) In areas where fill will result in a final finished grade that is high-
21 er than 10 feet from the adjacent property elevation at the property
22 boundary, the final development plan shall show a transition slope
23 of not steeper than 5 feet horizontal to 1 foot vertical.

24 (6) All fill slopes facing adjacent property boundaries shall be landscaped
25 with plant materials that are characteristic of vegetation within the
26 immediate area. This landscaping shall include plantings of trees and

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shrubs that will break up the uniform slope of the fill.

(7) Conditions 1, 2, 3, 4 and 5 shall be implemented under the Design Review procedures specified in MCC 11.15.7805-.7870. Any reconfigurations of the site plan made necessary by the conditions above shall not allow the site to be developed with more than 117 single family houses.

V. CONCLUSIONS AND DECISION

Based on the above findings and evaluation, the Board of Commissioners concludes that the proposed ZC and PD comply with the applicable standards of the Multnomah County Code. Therefore, the Board of Commissioners hereby reverses the Planning Commission decisions in this matter and approves the Zone Change and Planned Development requested in ZC 1-90/ PD 1-90.

DATED this 29th day of May, 1990



Gladys McCoy
Gladys McCoy, Multnomah County Chair

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

By: *John DuBay*
John DuBay, Chief Deputy County Counsel



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

PLANNING DIRECTOR DECISION
May 31, 1990

FD 1-90

Floodplain Development Permit for Fill

Location: 13300 SE Holgate

Legal Description: Lots 14 and 15, Wiley Acre Tracts; Lots 13-15, Blk. 1 & Lots 14 & 15, Blk. 2, Sunset Gardens; Tax Lot '6' of Lot 1, Lamargent Park, plus Tax Lots '501', '442', and '497', Section 14, 1N-2E, 1988 Assessor's Map

Applicant Gary Hasse, Administrator
David Douglas School District
1500 SE 130th Avenue
Portland, Oregon 97233

A Floodplain Development Permit is hereby **APPROVED**, subject to the conditions stated, based upon the following Findings and Conclusions.

Conditions of Approval:

1. Any grading, excavation or fill activities on the site after February 20, 1990 must be conducted according to *Hillside Development and Erosion Control* provisions in the County Zoning Ordinance [Reference MCC 11.15.6700-.6735].
2. Any site alterations for development of the proposed Manufactured Home Park (Ref. PD 1-90/ZC 1-90) must first be approved through Design Review and as stipulated by the Board's Final Order in the matter dated May 29, 1990.

Findings:

1. The zoning classification of the described property is **LR-7/FF, Urban Low Density Residential/ Flood Fringe**; the fill is an allowed use as provided by MCC 11.15.6307.

2. The applicant requests retroactive approval of fill placed on the site below the 100-year flood elevation on the north portion of the site. The associated Planned Development and Zone Change cases on affecting this property include the following findings which bear some relevance to the subject fill application: **"...The northern portion of this site is within a designated flood hazard area. However, a large portion of that area has been filled with earthen material over the years. The 100-year flood elevation of Johnson Creek in this area is identified by FEMA as 210 feet above MSL. A 1963 topographic map indicates that the lowest elevation of the site was 190.1 feet. The applicant submitted a survey of the site conducted in January 1990, done by a registered surveyor, which showed that a significant portion of the original flood hazard area has been filled and raised to a ground elevation above 210 feet.**

The applicant submitted an analysis by Ogden Beeman & Associates, consulting hydrologist, (letter dated April 27, 1990) which reviewed the geographic and hydrologic conditions of the site and surrounding area to ascertain the probable causes of flooding on the property and in the area and whether or not filling would be likely to effect flood elevation in the area.

Based on discussions with the County Engineer, the Federal Emergency Management Agency and their own investigations, the Beeman analysis concluded that while storm water runoff from the site may be a contributing factor, the most probable cause of the frequent flooding that the "Holgate Lake" area experiences is from the rising groundwater table. The Beeman analysis states that:

"...the elevation of the water table is determined by regional hydrologic and hydraulic forces within the soil structure of the area, and therefore is independent of the elevation of the ground surface in the area. The groundwater level generally would reach the same elevation with or without the proposed fill. Therefore one possible solution to the periodic flooding in the area that is caused by rising groundwater could be filling in of the depressed areas to levels above the water table."

County Planning Staff consulted with FEMA and Corps of Engineers Staff and confirmed that the 210-foot contour reflects the elevation flood waters from Johnson Creek would reach during a "100-year event"; this elevation does not indicate the level of groundwater caused flooding. Despite the fact that fill of the entire Holgate Lake area may ultimately solve the localized flooding caused by rising groundwater, FEMA regulations contain the principle that fill within Flood Fringe areas should not be so extensive as to cause more than a one-foot rise in the Floodway elevation. The fill above 210-foot covers approximately 4.3-acres. The flood fringe area (land below 210-foot elevation) known as *Holgate Lake* covers approximately

360-acres. The 100-year flood plain for Johnson creek covers several square miles. Based on these facts and the analysis presented by Joseph Howe of Ogden Beeman & Associates, we conclude the 4.3-acre fill will not significantly effect the floodway elevation of Johnson Creek and it is therefore consistent with both County Flood Hazard and FEMA regulations. Moving or through flowing flood water does not effect the basin; rather, this area ponds or holds backflow water from Johnson Creek. The small 'peninsula' of fill associated with this proposal will not impede the ponding ability of the remainder of the basin."

During the hearings on PD 1-90/ZC 1-90, County Counsel advised Planning Staff that fill placed on the property prior to February 20, 1990 would not be subject to the new *Hillside Development and Erosion Control Standards* in MCC 11.15. 6700-.6735; however, it would be subject to a Floodplain Development Permit for those portions below the 100-year flood elevation. There is ample evidence in the record of proceedings and as indicated by the applicant, that the fill activity on this site occurred over several years and was prior to enactment of the *Hillside Development and Erosion Control* subsection of the County Zoning Ordinance.

3. MCC 11.15.6315 specifies standards for development (including fill) within the 100-year flood boundary. The following findings assess the floodplain development permit request against the applicable standard. The applicable standard is presented first in ***bold italics***, followed by findings relative to the standard:

(A) All new construction and substantial improvement shall be constructed in conformance with Oregon State Building Codes.

Comment: No buildings are authorized by this Floodplain Development Permit..

(B) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to at least one foot above the base flood level. Elevation of the lowest floor shall be documented with a survey certified by a State of Oregon Registered Professional Engineer or Land Surveyor. For purposes of MCC .6315, an unfinished garage (either attached or detached) may be considered a non-residential structure.

Comment: No buildings are proposed or authorized by this application.

(C) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor including basement, elevated at least one foot above the base flood level, with proper docu-

mentation as set forth in subsection (B) above, or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed such that the structure is substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and

(2) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Comment: No commercial or industrial structures are proposed or authorized by this permit.

(D) All manufactured homes shall be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs and anchoring as specified in OAR 814-23-005 through 080, except that such tie down methods shall apply to multiple wide as well as single wide manufactured homes.

Comment: No manufactured homes are authorized by this Floodplain Development Permit.

(E) For new manufactured home parks or subdivisions and for each replacement of a manufactured home in an existing manufactured home park or subdivision, the following requirements shall apply:

(1) Stands or lots shall be located on compacted fill or on piling so that the lowest floor of any manufactured home will be at least one foot above the base flood level.

(2) Adequate surface drainage and access for a hauler shall be provided.

Comment: No manufactured home parks are authorized by this Floodplain Development Permit. Reference PD 1-90/ZC 1-90 for Manufactured Home Park Conditions of Approval.

(F) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within

Comment: No new construction is authorized by this permit.

(G) All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

(1) Minimize infiltration of flood waters into the system;

(2) Minimize discharge from systems into flood waters;

(3) Avoid impairment or contamination during flooding.

Comment: No new water or sewer systems are proposed or authorized by this Floodplain Development Permit.

(H) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Comment: No new structures are proposed or authorized by this permit.

(I) Land may be exempted from the requirements of MCC .6315 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is at least one foot above the base flood level.

Comment: Based on findings presented above under item 2, the site is not exempt

from the requirements of MCC.6315.

- (J) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC .6315.**

Comment: No historic structures exist on the site.

4. Other Findings:

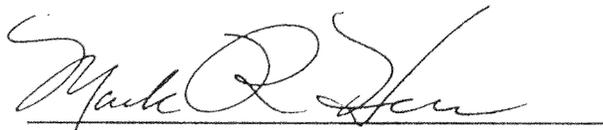
The site is not in or near the identified floodway of Johnson Creek.

Conclusions:

1. The fill which was placed on the site between 1969 and 1989 met applicable criteria for approval of an Floodplain Development Permit. Conditions of approval are applied to the permit to insure any new fill or grading work meets current zoning regulations for such activity.

In the matter of FD 1-90:

**MULTNOMAH COUNTY, OREGON
DEPARTMENT OF ENVIRONMENTAL SERVICES**



By: Mark R. Hess
Title: Planner

For, Director, Planning and Development
Date: May 31, 1990

NOTICE: *This decision may be appealed within ten days from the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$150.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Division of Planning and Development, 2115 S.E. Morrison Street / 248-3043.*

Filing Fee \$311.00

Last day to file notice of Review necessary - 9:00 am Sept 4, 1990
JW



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

10/23/90 - 9:30am
HEARING DE NOVO

NOTICE OF REVIEW

1. Name: Chauncey D. Lynne, Chauncey - Bowlus

2. Address: 9825 N.W. Kaiser Rd., Portland, Oregon 97231

3. Telephone: (503) 645-2812

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

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)? Denial of Conditional Use Approval in order to operate a commercial business in an EFU zone

6. The decision was announced by the Planning Commission on 8-13, 1990

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
Owners of the property and business in question

Please return this original form

Case # CU 19-90

For close to twenty years we have strived towards the goal of having our land support not only ourselves, but the families of our children. To that end we have been raising and breeding prime Arabian horses. Approximately three years ago, we began preparing the land for the raising of nursery stock, and in conjunction with the nursery business we are striving to develop a good quality planting medium as well as an organic fertilizer. This fall our forested land is to be thinned, striped of its bark, sold, and the area replanted where necessary.

Of the commercial activities in which we are involved, the selling of bark, compost, Hawg fuel, pole peelings, sawdust, chips, etc. is a very small portion, but one that is very closely related to, important to, and very much in conjunction with farm uses. It is also one that is seasonal, running from approximately the middle of April until the 4th of July.

All of the above endeavors are not only farm related, they are in fact actual literal farm activities. We feel that even the more recently transplanted to our area city dwellers cannot argue that fact.

We respect the rights of these people to make a life for themselves in this area and feel that within reason, we also should have this right.



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

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9:00 am
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9/25/90 De Novo
HEARING - 9:30am

NOTICE OF REVIEW

1. Name: Basch, D, Leo

2. Address: 4910 ^{Last} SE 133 ^{Middle}, Portland ^{First}, OR 97236
Street or Box City State and Zip Code

3. Telephone: (503) 760 - 8030

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

- Donna Urquhart
- Don Bennett
- Pete Ross
- TERRY EVENSIZED
- Doug Anderson

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

Approval of Phase 1 being all land
above 210' elevation

6. The decision was announced by the Planning Commission on Aug 13, 1990

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

I testified at the Aug 13 1990 P.C.
hearing in opposition to this item and
I am a member of the Neighborhood
Task Force put together by request of
Clady Mac Coy in May, 1990

Please file this in: ()



MULTNOMAH COUNTY OREGON

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

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

8/31/90

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorna Stickel

RE: Citizen request on PD1-90a (Mobile Home Park 133rd & Holgate)

On Tuesday's Agenda you have six decisions being reported one of them is a modification to a case the Board reached a final decision on in May. You have received a letter from some neighbors asking the Board to rehear this item on its own motion. The staff offers the following comments in regards to this request:

1) The zoning code establishes a process for citizens to appeal Planning Commission decisions. The Planning Commission spends considerable time hearing these items and in this case spent nearly two hours hearing all the points raised by the citizens in the letter sent to you. If a second hearing is needed the proper appeals course for those not satisfied with the decision in this case is to pay the \$150 appeal fee and state the grounds for the appeal. The Board has the ability under the zoning code to waive the appeal fee as a part of the hearing if requested by the appealing party.

2) The neighbors claim that the Board's prior decision was to not make the zone change effective on the entire property until the hydrologic study required under condition #2 was completed. The wording of the order, and the normal method of granting zone changes, is such that the zone change is effective upon the adoption of the final order but that no development can be conducted until the conditions are met. During all the hours of negotiation on the May 29 decision the issue of not developing the upland area was never raised. Since the applicant has asked to have the development phased so that Phase I would develop the upland areas outside the flood plain and off the fill area the condition requiring the hydrologic study is not triggered until Phase II development is requested. The other conditions such as the need to show that storm water runoff will be contained on site to match pre-development conditions in its timing will still be required. Even if the Phase II lands are sold to another party the condition requiring the hydrologic study will still apply. Any different development proposal for the fill area will have to come back before the

Planning Commission in order to vacate the prior Planned Development approval. In addition the Planning Commission required that the grading of the existing fill areas to meet conditions 5 & 6 of the prior order must be completed within one year of the completion of Phase I. I have consulted with County Counsel about the above interpretation of the May 29, 1990 final order. (Please Note that the Final Order from May 29, 1990 is incorporated into the August Planning Commission Decision which was sent to you as a part of next Tuesday's agenda.)

In summation, it is the Board's decision to accept the request for the Board to hear this item on their own motion. The staff would recommend against this for the above stated reasons.

Meeting Date: SEP 04 1990

Agenda No.: #1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Community Children & Youth Services Commission (CCYSC) Plan Amendment for Intervention Programs

BCC Informal 09-04-90 BCC Formal _____
(date) (date)

DEPARTMENT DHS DIVISION Social Services/Youth Program Office

CONTACT Michael Morrissey TELEPHONE X2095

PERSON(S) MAKING PRESENTATION Judge Bergman, Duane Zussy, Michael Morrissey

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

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

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

CCYSC is changing emphasis for Intervention programs which serve delinquent youth. New emphasis increases services to African American youth. RFP's are being let which will purchase \$415,000 of services on an annual basis with state funds.

This activity modifies 89-91 JSC Plan and so BCC will be asked to formally approve in September. This meeting is for the purpose of gaining informal agreement to changes.

(If space is inadequate, please use other side)

SIGNATURES:

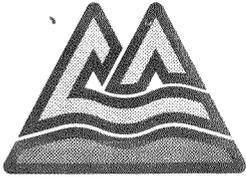
ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Duane Zussy

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1990 AUG 28 PM 12:10
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
SOCIAL AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691

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

MEMORANDUM

TO: Gladys McCoy
Multnomah County Chair

VIA: Duane Zussy, Director *Duane Zussy*
Department of Human Services

FROM: Gary Smith, Director *GS*
Social Services Division

DATE: August 23, 1990

SUBJECT: Informal Presentation Concerning the CCYSC Plan
Amendment

RECOMMENDATION: The Board of County Commissioners will be asked, in mid-September, for formal approval and sign-off of the Community Children and Youth Services Commission (CCYSC) Plan Amendment prior to its being sent on for State approval. The Social Services Division, Youth Program Office, requests an informal briefing to clarify with the Board the direction and implications of the Plan Amendment.

ANALYSIS/BACKGROUND: In July of 1989, the State Juvenile Services Commission conditionally approved the Multnomah County JSC Plan, which included approximately \$415,000 worth of programming to delinquent youth. The State Commission approved these programs for one year (ending June 30, 1990) and required the local commission to do further planning to address the commitment rate of African-American males to the State training schools.

The Board of County Commissioners and the State Youth Commission agreed in the Spring of 1990 to extend current contracts an additional three months, allowing the local Commission to complete a new approach and start up programs on October 1, 1990.

The Commission has re-targeted these dollars to clearly emphasize services to African-American males. Four RFP's are being released, which reflect this emphasis, but also allow for some past program emphasis as well, e.g. services for

Page 2
August 23, 1990
CCYSC Plan Amendment

girls, alcohol and drug screening, educational support. Letters of intent, which were released in July, are attached which summarize the focus of these RFP's.

With the focus on the needs of African-American males, the Commission did not feel able to continue full funding for the sex offender program, which it has funded for the past six years. The Commission has put forward \$20,020 one-time-only dollars to continue this program to December of this year and is actively seeking other funds to continue the program through the fiscal year and beyond.

Attachments

(082201/kt)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
YOUTH PROGRAM OFFICE
426 S.W. STARK ST., SIXTH FLOOR
PORTLAND, OREGON 97204
(503) 248-3565
FAX NUMBER 248-3379

CHILDREN AND
YOUTH SERVICES
COMMISSION

TO: Agencies on the Current Qualified Vendor List

FROM: Michael Morrissey, Youth Program Office *Michael Morrissey*

DATE: July 18, 1990

RE: An RFP Targeted at Professional Services for High Risk Males.

Multnomah County is required to provide an open competitive process at periodic intervals to allow qualified organizations to compete for the award of public funds to provide services for youth "at risk" of being committed to a State Training School or who are deemed "high risk". Accordingly, the Multnomah County Social Services Division, Youth Program Office, is preparing to issue a Request For Proposals (RFP) for professional services to high risk males as a result of decision making by the Community Children and Youth Services Commission.

To plan for this process the Youth Program Office is requiring responses to this Notice of Intent from agencies who are currently on the Qualified Vendor list for the Social Services Division.

This letter of Intent is binding, and only agencies who respond to this letter of intent will be eligible to respond to the Request For Proposal (RFP). Should this go to the RFP process, preference will be given to those agencies having demonstrated past experience in serving the minority youth, particularly the African American males.

Dollars Allocated: This Notice of Intent describes one source of money, \$140,000, available for professional services for males at-risk of commitment to a State Training School, with priority given to African American males.

Target Population: The eligibility criteria for the target population served is listed below:

- An agency must serve NOT LESS THAN the previous year's commitment rate percentage (52%) for minority youth, with a special focus on African American males;

AND

An agency must meet one of the two following:

-not less than 90% of the population must meet THREE OF THE SIX following criteria:

- reside in a gang affected community;
- lives in a family at or below the poverty level;

AN EQUAL OPPORTUNITY EMPLOYER

- are males with siblings or other families known to law enforcement for criminal/gang activity;
 - males known to traffic drugs or with documented alcohol and drug problems;
 - males who are suspended from school for gang activity, violent behavior, drugs, or who do not attend school or who attend irregularly;
 - males who have a minimum of 5 referrals to Juvenile Court for delinquency.
- OR

ANY MALE on suspended commitment to a state training school;

Qualifications: To be considered qualified, the organization must: (1) Have a history of providing services to high risk males, especially African American males.

Scope of Service: This Notice of Intent describes two separate professional service elements targeted at serving high risk male offenders. An agency may apply for one or both of the following components:

A component for alcohol and drug pre-screening will be let for a total of \$40,000 services and staff to be located within the African American community. Priority will be given to clients referred through the "youth screening" element of the service model who meet the eligibility criteria.

A component for education services will be let for a total of \$100,000. These services might include, but are not limited to, alternative education, GED preparation, tutoring, and high school completion.

Referral Process: Referrals from the Multnomah County Juvenile Justice Division through the "Youth Staffing" process will be given priority over other referrals. This does not, however, limit referrals solely to the Juvenile Justice Division.

How to Reply?: Interested organizations must notify the Multnomah County Youth Program Office of their intent to respond to an RFP when issued. This letter of intent is binding and will allow only those respondents an opportunity to reply to an RFP when issued. Interested organizations must submit as a Notice of Intent the following:

- 1) A letter stating their intent to respond to the high risk male professional services RFP.
- 2) A description of how the organization meets the qualification criteria described above.
- 3) The attached form completed to show your interest and intent to compete for these dollars.

THE RESPONSE MUST BE RECEIVED NO LATER THAN FRIDAY, JULY 27, 1990 BY THE MULTNOMAH COUNTY YOUTH PROGRAM OFFICE, AT 426 S.W. STARK, 6TH FLOOR, PORTLAND, OREGON, 97204.

Please contact Michael Morrissey at 248-3565 with any further questions.

SURVEY OF INTEREST

MULTNOMAH COUNTY

SOCIAL SERVICES DIVISION--YOUTH PROGRAM OFFICE

PROFESSIONAL SERVICES TO HIGH RISK MALES

- 1) Name and Address of Agency:

- 2) Name and Title of Person Completing this form:

- 3) Phone Number:

Signed _____
Agency Executive Director

Date



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
YOUTH PROGRAM OFFICE
426 S.W. STARK ST., SIXTH FLOOR
PORTLAND, OREGON 97204
(503) 248-3565
FAX NUMBER 248-3379

CHILDREN AND
YOUTH SERVICES
COMMISSION

TO: Agencies on the Current Qualified Vendor List
FROM: Michael Morrissey, Youth Program Office *Michael Morrissey*
DATE: July 18, 1990
RE: A RFP Targeted at Community Services for High Risk Males

Multnomah County is required to provide an open competitive process at periodic intervals to allow qualified organizations to compete for the award of public funds to provide services for youth "at risk" of being committed to a State Training School or who are deemed "high risk". Accordingly, the Multnomah County Social Services Division, Youth Program Office, is preparing to issue a Request For Proposals (RFP) for community services to high risk males as a result of decision making by the Community Children and Youth Services Commission.

To plan for this process Youth Program Office is requiring responses to this Notice of Intent from agencies who are currently on the Qualified Vendor list for the Social Services Division.

This letter of Intent is binding, and only agencies who respond to this letter of intent will be eligible to respond to the Request For Proposal (RFP). Should this go to the RFP process, preference will be given to those agencies having demonstrated past experience in serving the minority youth, particularly the African American males.

Dollars Allocated: This Notice of Intent describes one source of money, \$209,000, available for community services for high risk males at-risk of commitment to a State Training School, with priority given to African American males.

Target Population: The eligibility criteria for the target population served is listed below:

- An agency must serve NOT LESS THAN the previous year's commitment rate percentage for minority youth (52%), with a special focus on African American males;

AND

An agency must meet one of the two following:

-not less than 90% of the population must meet THREE OF THE SIX following criteria:

- reside in a gang affected community;
- lives in a family at or below the poverty level;
- are males with siblings or other families known to law

- enforcement for criminal/gang activity;
- males known to traffic drugs or with documented alcohol and drug problems;
 - males who are suspended from school for gang activity, violent behavior, drugs, or who do not attend school or who attend irregularly;
 - males who have a minimum of 5 referrals to Juvenile Court for delinquency.
- OR

ANY MALE on suspended commitment to a state training school;

Qualifications: To be considered qualified, the organization must: (1) Have a history of providing services to high risk males, especially African American males, and (2) have the services provided from a site located in the African American Community.

Scope of Service: Priority will be given to a program model which provides two service components:

The first component provides intensive case management, assessment, and advocacy for all clients. This piece will also be responsible for managing a joint "Youth Staffing" which reviews with the Multnomah County Juvenile Justice Division each referral to determine eligibility and needed services of clients.

The second component of this model provides additional community services which include cultural support, positive peer model services, rites of passage, mentorship, and cultural competency trainings for outside agencies. These services or any combination of these services, may be provided through sub-contracting arrangements. The goal is to develop services and relationships in the community.

Of the total dollars available, up to \$9,000 is available for a support fund to cover unprojected needs for the clients. This might include required clothing before an youth can begin a construction job.

Referral Process: Referrals from the Multnomah County Juvenile Justice Division through the "Youth Staffing" process will be given priority over other referrals. This does not, however, limit referrals solely to the Juvenile Justice Division.

How to Reply?: Interested organizations must notify the Multnomah County Youth Program Office of their intent to respond to an RFP when issued. This letter of intent is binding and will allow only those respondents an opportunity to reply to a RFP when issued. Interested organizations must submit as a Notice of Intent the following:

- 1) A letter stating their intent to respond to the high risk male community service RFP.

(continued)

- 2) A description of how the organization meets the qualification criteria described above.
- 3) The attached form completed to show your interest and intent to compete for these dollars.

THE RESPONSE MUST BE RECEIVED NO LATER THAN FRIDAY, JULY 27, 1990 BY THE MULTNOMAH COUNTY YOUTH PROGRAM OFFICE, AT 426 S.W. STARK, 6TH FLOOR, PORTLAND, OREGON, 97204.

Please contact Michael Morrissey at 248-3565 with further questions.

SURVEY OF INTEREST

MULTNOMAH COUNTY

SOCIAL SERVICES DIVISION--YOUTH PROGRAM OFFICE

COMMUNITY SERVICES TO HIGH RISK MALES

- 1) Name and Address of Agency:

- 2) Name and Title of Person Completing this form:

- 3) Phone Number:

Signed _____
Agency Executive Director

Date



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
YOUTH PROGRAM OFFICE
426 S.W. STARK ST., SIXTH FLOOR
PORTLAND, OREGON 97204
(503) 248-3565
FAX NUMBER 248-3379

CHILDREN AND
YOUTH SERVICES
COMMISSION

TO: Agencies on the Current Qualified Vendor List
FROM: Michael Morrissey, Youth Program Office *Michael Morrissey*
DATE: July 19, 1990
RE: An RFP Targeted at Crisis Shelter and Support Services
to Serve High Risk Females.

Multnomah County is required to provide an open competitive process at periodic intervals to allow qualified organizations to compete for the award of public funds to provide services for youth "at risk" of being committed to a State Training School or who are deemed "high risk" due to behavior associated with the criteria listed below. Accordingly, the Multnomah County Social Services Division, Youth Program Office, is preparing to issue a Request For Proposals (RFP) for services to high risk females as a result of decision making by the Community Children and Youth Services Commission.

To plan for this process the Youth Program Office is requiring responses to this Notice of Intent from agencies who are currently on the Qualified Vendor list for the Social Services Division.

This letter of Intent is binding, and only agencies who respond to this letter of intent will be eligible to respond to the Request For Proposal (RFP). Should this go to the RFP process, preference will be given to those agencies having demonstrated past experience in serving minority youth, particularly African American females.

Dollars Allocated: This Notice of Intent describes one source of money, \$34,000 annually, available for in-community crisis shelter and support services to high risk females.

Target Population: The eligibility criteria for the target population served is listed below:

A minimum of 90% of the females served must meet THREE OF THE SEVEN following criteria, with priority given to African American females:

- females who are suspended from school for gang activity, violent behavior, drugs, or who do not attend school or who attend irregularly;
- females known to traffic drugs or with documented alcohol and drug problems;

AN EQUAL OPPORTUNITY EMPLOYER

- live in a family at or below the poverty level;
- females who do not currently live with a birth parent;
- females who have a history of physical or sexual abuse;
- have a minimum of one referral to Juvenile Court for a delinquency or dependency referral;
- females with siblings or other families known to law enforcement for criminal/gang activity.

Qualifications: To be considered qualified, the organization must: (1) Have a history of providing services to youth and (2) demonstrate a history of providing crisis shelter for adolescents.

Scope of Service: Priority will be given to a program model which blends in-community beds with other community resources. This could happen through sub-contracting from the parent agency to existing resources. Also, this program must provide safe houses/crisis shelter for girls outside their primary community. Support services must include counseling, case management, housing stabilization, and other appropriate resources. The provider can provide up to 90 days of housing and is intended to provide transition services for girls for up to a year.

Referral Process: Referrals from the Multnomah County Juvenile Justice Division who meet the above noted eligibility criteria will be given priority over all other referrals. However, this does not exclude other referral sources.

How to Reply?: Interested organizations must notify the Multnomah County Youth Program Office of their intent to respond to an RFP when issued. This letter of intent is binding and will allow only those respondents an opportunity to reply to an RFP when issued. Interested organizations must submit as a Notice of Intent the following:

- 1) A letter stating their intent to respond to the high risk female RFP.
- 2) A description of how the organization meets the two qualification criteria described above.
- 3) The attached form completed to show your interest and intent to compete for these dollars.

THE RESPONSE MUST BE RECEIVED NO LATER THAN FRIDAY, JULY 27TH, 1990 BY THE MULTNOMAH COUNTY YOUTH PROGRAM OFFICE, AT 426 S.W. STARK, 6TH FLOOR, PORTLAND, OREGON, 97204.

Please contact Michael Morrissey at 248-3565 if you have further questions.

SEP 04 1990

Meeting Date: _____

Agenda No.: #2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing on Meal-A-Gram Program

BCC Informal 9/4/90 BCC Formal _____
(date) (date)

DEPARTMENT General Services DIVISION Administration

CONTACT Linda Alexander TELEPHONE X-3300

PERSON(S) MAKING PRESENTATION Anne Kelly Feeney

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15-20 minutes

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

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

CLERK OF BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
AUG 29 PM 3:32

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL [Signature]

Or

DEPARTMENT MANAGER Linda Alexander [Signature]

(All accompanying documents must have required signatures)

Meeting Date SEP 04 1990

Agenda No. #3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Nonbudgetary Items)

Subject: 14th Floor Remodeling Costs

BCC Informal September 4
(Date)

BCC Formal _____
(Date)

DEPARTMENT General Services DIVISION _____

CONTACT Barbara Simon TELEPHONE 248-3242

PERSON(S) MAKING PRESENTATION _____

ACTION REQUESTED:

INFORMATIONAL ONLY

POLICY DIRECTION

APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA 5 minutes

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

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

Estimate of remodeling costs necessary to accommodate new employees from the Library.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Jinda Alexander

Or

DEPARTMENT MANAGER _____

1990 AUG 23 AM 11:43
POLK COUNTY
OREGON

(All accompanying documents must have required signatures)