

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 25, 1992 MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

P-1 Auto Wrecker License Renewal Application Submitted by the Division of Planning and Development with Recommendation for Approval as Follows:

- a) ORIENT AUTO PARTS, 28425 SE ORIENT DRIVE, GRESHAM; and
- b) DIVISION STREET AUTO PARTS, 13231 SE DIVISION STREET

Auto Wrecker License Renewals, P-1 was ACCEPTED as submitted by the Board.

The Following February 3, 1992 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

P-2 ZC 1-92 APPROVED, SUBJECT TO CONDITIONS, Amendment of Sectional Zoning Map #413, Changing the Described Property from LR-7, Single Family Residential District to MR-3, Medium Density Residential;  
CU 1-92 APPROVED, SUBJECT TO CONDITIONS, Conditional Use Request to Allow Development of the Subject Site for a 5-Space Mobile Home Park Expansion, for Property Located at 12636 SE 122nd Avenue

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, P-2 was UNANIMOUSLY APPROVED.

P-3 HDP 17-91 DENIED THE APPEAL; UPHOLD the Director's Decision of December 20, 1991; and, APPROVE, SUBJECT TO CONDITIONS, a Hillside Development Permit for the Proposed Trenching and Fill Placement, for Property Located at 12040 NW Tualatin Avenue

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, P-3 was UNANIMOUSLY APPROVED.

P-4 CS 3-92/HV 1-92 APPROVED, SUBJECT TO CONDITIONS, Community Service Designation and Variances for a Reduction of the Required Front Yard South and Side Yard West, to Allow Installation of a Cellular Telephone Communications Monopole, with Associated Antennas, and to Erect an Electronics Equipment Building on the Subject Site, for Property Located at 1853 SW Highland Road

Planning Director Scott Pemble of the Planning and Development Division advised the Board that Petitioners, Mark Madden and Debra Madden gave Notice of Review of the Decision of the Multnomah County Planning Commission's Decision in CS 3-92, HV 2-92, #139, Community Service Expansion, Front Side Yard Setback Variances (Cellular Telephone Communication Monopole, dated February 3, 1992.

Mr. Pemble requested a Hearing On The Record be set for March 24, 1992 at 9:30 A.M. with 10 minutes per side.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, a Hearing On The Record set for March 24, 1992 at 9:30 A.M. with 10 Minutes Per Side was UNANIMOUSLY APPROVED.

P-5 Update on the Region 2040 Project - Presented by Mark Turpel and Ethan Seltzer.

Ethan Seltzer presented and explained the Region 2040 Project and it's purpose to better understand the alternatives for accommodating the growth expected within the region in the next 50 years and the choices that may be involved. Mr. Seltzer explained that this project results from a recommendation made as part of the process leading to the adoption of the Regional Urban Growth Goals and Objectives (RUGGO). Also, the project is intended to provide guidance for the testing and implementation of concepts in RUGGO.

Mr. Seltzer also advised the Board of the Annual Growth Conference scheduled for Tuesday, April 21, 1992.

The Board requested that no Board Briefings nor Agenda Review be scheduled on this date so that they would be able to attend this conference.

There being no further business, the meeting was adjourned at 10:02 a.m.

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#### ANNOTATED MINUTES

Tuesday, February 25, 1992 - 10:00 AM  
Multnomah County Courthouse, Room 602

#### AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of February 27, 1992

R-3 Commissioners Kelley and Hansen requested that Bud Mod NOND #27 be Revised to Reduce the Total from \$37,386 to \$21,838 due to not taking salary increase.

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#### MINUTES

#### MULTNOMAH COUNTY BOARD OF COMMISSIONERS FEBRUARY 27, 1992 MEETING

Chair Gladys McCoy convened the meeting at 8:45 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

E-1 Pursuant to ORS 192.660 (1)(d), the Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Labor Negotiations.

Executive Session held. There being no further business, the executive session was adjourned at 9:33 a.m.

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
February 27, 1992 MEETING

Chair Gladys McCoy convened the meeting at 9:33 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, and Gary Hansen present.

C-1 Liquor License Application Submitted by Sheriff's Office with Recommendation for Approval as Follows:

Package Store for:

a) Chinook Grocery and Gifts, 2605 NE Corbett Hill Road, Corbett

C-2 Ratification of an Intergovernmental Agreement between the City of Portland and Multnomah County Social Services Division to Renew a Contract to Mutually Fund the Regional Drug Initiative (RDI) Staff

C-3 Ratification of an Intergovernmental Agreement between Multnomah County and the City of Troutdale for a Project Included in the Community Development Block Grant (CDBG) Program's Final Statement of Activities, for Street and Storm Sewer Improvement in the City of Troutdale Utilizing Federal Funds and Matching City Funds

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, the Consent Calendar (C-1 through C-3) was UNANIMOUSLY APPROVED.

R-1 Budget Modification DA #13 Requesting Authorization for Continuation of the Gang Prosecution Grant from the State of Oregon

UPON MOTION of Commissioner Kelley, seconded by Commissioner Hansen, R-1 was UNANIMOUSLY APPROVED.

Commissioner Rick Bauman arrived at 9:38 a.m.

R-2 RESOLUTION in the Matter of Accepting the Metropolitan Human Relations Commission Task Force Report to the Portland City Council and Multnomah County Board of Commissioners, February 1992

UPON MOTION of Commissioner Kelley, seconded by Commissioner Hansen, RESOLUTION 92-31 was UNANIMOUSLY APPROVED.

R-3 Budget Modification NOND #27 Requesting Authorization to Transfer \$37,386 from General Fund Contingency to the Chair's Office and the Board of County Commissioners to cover the 1991-92 Cost of Salaries

UPON MOTION of Commissioner Anderson, seconded by Commissioner Bauman, Budget Modification NOND #27 REVISED, Requesting Authorization to Transfer \$21,838 from General Fund Contingency to the Chair's Office and the Board of County Commissioners to cover the 1991-92 cost of salaries, was APPROVED with Commissioners Anderson, Bauman and McCoy voting aye and Commissioners Kelley and Hansen voting no.

R-4 First Reading of an ORDINANCE Amending the Multnomah County Code, Section 5.10, Relating to Fees Assessed to Recover the Costs of Dishonored Checks

The Clerk read the proposed ordinance by title only. Copies of the complete document were available for those wishing them.

Commissioner Bauman moved, and Commissioner Hansen seconded, for approval of the first reading of the proposed ordinance. A hearing was held, no one wished to testify.

The first reading of R-4 was UNANIMOUSLY APPROVED. Chair McCoy advised the second reading is scheduled for Thursday, March 5, 1992.

R-6 Report on Request for Transfer of Tax Foreclosed Properties to the Northeast Community Development Corporation (NECDC) Under the Provisions of Multnomah County Ordinance No. 672 and ORDER Requesting a Public Hearing

UPON MOTION of Commissioner Bauman, seconded by Commissioner Hansen, ORDER 92-32 Setting a PUBLIC HEARING DATE for Thursday, March 12, 1992 at 9:30 a.m. was UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:24 a.m.

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MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 27, 1992 MEETING

Chair Gladys McCoy convened the meeting at 7:00 p.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

PH-1 Public Hearing to Allow the Board to Hear Comments Regarding the Proposed Consolidation of Road Service in East Multnomah County

Public Hearing held and Testimony heard in the last of three public hearings regarding the proposed consolidation of road service in East Multnomah County. The Multnomah County Commissioners will vote on a proposed RESOLUTION for final decision on Thursday, March 12, 1992, 9:30 a.m., Multnomah County Courthouse, Room 602.

There being no further business, the meeting was adjourned at 8:15 p.m.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

BY 

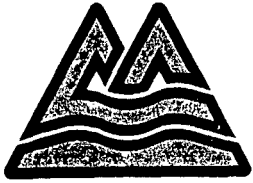
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BOARD OF COUNTY COMMISSIONERS  
FORMAL BOARD MEETING  
RESULTS

MEETING DATE: 2-25-92 *Planning*

Agenda Item #	Motion	Second	APP/NOT APP
<u>P-1a</u>	<u>Accepted</u>		<u>✓</u>
<u>P-1b</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>P-2</u>	<u>SK</u>	<u>PT</u>	<u>App</u>
<u>P-3</u>	<u>PT</u>	<u>SK</u>	<u>App</u>
<u>P-4</u>	<u>PT</u>	<u>SK</u>	<u>App</u>
<u>P-5</u>	<u>Presentation Made by Ethel Seiber</u>		
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

*Appeal - Staff Recom. for Hearing on the Record 3-24-92/9:30am  
10 min. per side.*



# MULTNOMAH COUNTY OREGON

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

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

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

February 24 - 28, 1992

Tuesday, February 25, 1992 - 9:30 AM - Planning Items . . .Page 2

Tuesday, February 25, 1992 - 10:00 AM - Agenda Review . . .Page 2

Thursday, February 27, 1992 - 8:45 AM - Executive Session .Page 3

Thursday, February 27, 1992 - 9:30 AM - Regular Meeting . .Page 3

Thursday, February 27, 1992 - 7:00 PM - Public Hearing. . .Page 4

Multnomah County Courthouse, Room 602  
1021 SW 4th Avenue

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 22 for Paragon Cable (Multnomah East) subscribers

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

Tuesday, February 25, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

P-1 Auto Wrecker License Renewal Application Submitted by the Division of Planning and Development with Recommendation for Approval as Follows:

- a) ORIENT AUTO PARTS, 28425 SE ORIENT DRIVE, GRESHAM; and  
b) DIVISION STREET AUTO PARTS, 13231 SE DIVISION STREET

The Following February 3, 1992 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

P-2 ZC 1-92 APPROVED, SUBJECT TO CONDITIONS, Amendment of Sectional Zoning Map #413, Changing the Described Property from LR-7, Single Family Residential District to MR-3, Medium Density Residential;

CU 1-92 APPROVED, SUBJECT TO CONDITIONS, Conditional Use Request to Allow Development of the Subject Site for a 5-Space Mobile Home Park Expansion, for Property Located at 12636 SE 122nd Avenue

P-3 HDP 17-91 DENIED THE APPEAL; UPHOLD the Director's Decision of December 20, 1991; and, APPROVE, SUBJECT TO CONDITIONS, a Hillside Development Permit for the Proposed Trenching and Fill Placement, for Property Located at 12040 NW Tualatin Avenue

P-4 CS 3-92/HV 1-92 APPROVED, SUBJECT TO CONDITIONS, Community Service Designation and Variances for a Reduction of the Required Front Yard South and Side Yard West, to Allow Installation of a Cellular Telephone Communications Monopole, with Associated Antennas, and to Erect an Electronics Equipment Building on the Subject Site for Property Located at 1853 ~~SE~~ Highland Road

P-5 Update on the Region 2040 Project - Presented by Mark Turpel and Ethan Seltzer. 20 MINUTES REQUESTED.

Tuesday, February 25, 1992 - 10:00 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-1 Review of Agenda for Regular Meeting of February 27, 1992

Thursday, February 27, 1992 - 8:45 to 9:30 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d). (45 MINUTES REQUESTED)
- 

Thursday, February 27, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Liquor License Application Submitted by Sheriff's Office with Recommendation for Approval as Follows:  
Package Store for:  
a) Chinook Grocery and Gifts, 2605 NE Corbett Hill Road, Corbett

DEPARTMENT OF SOCIAL SERVICES

- C-2 Ratification of an Intergovernmental Agreement between the City of Portland and Multnomah County Social Services Division to Renew a Contract to Mutually Fund the Regional Drug Initiative (RDI) Staff
- C-3 Ratification of an Intergovernmental Agreement between Multnomah County and the City of Troutdale for a Project Included in the Community Development Block Grant (CDBG) Program's Final Statement of Activities, for Street and Storm Sewer Improvement in the City of Troutdale Utilizing Federal Funds and Matching City Funds

REGULAR AGENDA

JUSTICE SERVICES

DISTRICT ATTORNEY

- R-1 Budget Modification DA #13 Requesting Authorization for Continuation of the Gang Prosecution Grant from the State of Oregon

NON-DEPARTMENTAL

- R-2 RESOLUTION in the Matter of Accepting the Metropolitan Human Relations Commission Task Force Report to the Portland City Council and Multnomah County Board of Commissioners, February 1992



- R-3 Budget Modification NOND #27 Requesting Authorization to Transfer \$37,386 from General Fund Contingency to the Chair's Office and the Board of County Commissioners to cover the 1991-92 Cost of Salaries

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-4 First Reading of an ORDINANCE Amending the Multnomah County Code, Section 5.10, Relating to Fees Assessed to Recover the Costs of Dishonored Checks
- 

Thursday, February 27, 1992 - 7:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

- PH-1 Public Hearing to Allow the Board to Hear Comments Regarding the Proposed Consolidation of Road Service in East Multnomah County

0200C/30-33  
cap



# MULTNOMAH COUNTY OREGON

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

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

## SUPPLEMENTAL AGENDA

Thursday, February 27, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

## REGULAR MEETING

### DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 Report on Request for Transfer of Tax Foreclosed Properties to the Northeast Community Development Corporation (NECDC) Under the Provisions of Multnomah County Ordinance No. 672 and ORDER Requesting a Public Hearing

0200C/34  
cap

Meeting Date: February 25, 1992

Agenda No.: P-16

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal

(date)

BCC Formal

February 25, 1992

(date)

DEPARTMENT

DES

DIVISION

Planning

CONTACT

Sharon Cowley

TELEPHONE

2610

PERSON(S) MAKING PRESENTATION

Planning Staff

ACTION REQUESTED:

☐

INFORMATIONAL ONLY

☐

POLICY DIRECTION

☒

APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

Auto Wrecker's License  
Renewal:

Review auto wrecker's license renewal, with recommendation for approval, for  
Division Street Auto Parts, located at 13231 SE Division Street

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Or

DEPARTMENT MANAGER



(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1992 FEB 20 PM 12:05



# MULTNOMAH COUNTY OREGON

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

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

February 18, 1992

Honorable Board of County Commissioners  
Room 605, Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, Oregon 97204

**RE: Auto Wrecker's License -Renewal**

Ron Barber  
(dba Division Street Auto Parts U-Pull It Division)  
13231 SE Division Street, 97236

**Recommend: Approval of Business Location**

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robert N. Hall, Senior Planner

RNH:sec

Enclosure - Wrecker's Application



# **Multnomah County Sheriff's Office**

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

**ROBERT G. SKIPPER**  
SHERIFF

(503) 255-3600

## MEMORANDUM

TO: SHARON COWLEY  
Administrative Assistant

FROM: DEPUTY H. HAIGH  
Intelligence Unit

DATE: January 3, 1992

SUBJECT: WRECKER'S LICENSE RENEWAL

Attached is an Application for Business Certificate as a Wrecker of Motor Vehicles for Ron Barber Enterprise, Incorporated, 13231 SE Division Street, Portland, Multnomah County, Oregon 97236. The Sheriff's Office recommends the license be approved as long as zoning requirements have been satisfied.

Thank you for your attention.

HH/lsm/636-AINT

Attachment

**RECEIVED**  
JAN 7 1991

Multnomah County  
Zoning Division



# APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR  
SALVAGE POOL OPERATOR

▼ CERTIFICATE NUMBER ▼

**NOTE:** FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.  
PLEASE TYPE OR PRINT LEGIBLY WITH INK.  
DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

☐ ORIGINAL  
☒ RENEWAL

1 NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) RUBEN BARBER ENTERPRISE INC DBA DIVISION ST A TO PARTS & REPAIR DIVISION			BUSINESS TELEPHONE 760-7423
2 MAIN BUSINESS LOCATION (STREET AND NUMBER) 13231 SE DIVISION ST		CITY PORTLAND	ZIP CODE 97236
3 MAILING ADDRESS 13231 SE DIVISION ST		CITY PORTLAND	STATE OREGON
		ZIP CODE 97236	COUNTY MULTNOMAH

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE: 4 <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION	IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED: OREGON
--	--

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

5 NAME RON BARBER	TITLE PRES.	DATE OF BIRTH 10/2/49	RESIDENCE TELEPHONE (503) 665-0873
6 RESIDENCE ADDRESS 21504 SE DIVISION DR	CITY PORTLAND	STATE OR	ZIP CODE 97060
7 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
8 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
9 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
10 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 300 ft. X 600 ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

12 NAME RON BARBER	TITLE PRES.	RESIDENCE TELEPHONE (503) 665-0873
13 ADDRESS, CITY, STATE, ZIP CODE 21504 SE DIVISION DR PORTLAND OREGON 97060		
14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER Ron Barber		DATE 12/20/91

15 **APPROVAL:** I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF Multnomah HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

**FEE: \$54.00**

▼ PLACE STAMP OR SEAL HERE ▼

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:

16 NAME Gladys McCoy	TITLE County Chair	PHONE NUMBER 248-3308
17 SIGNATURE Gladys McCoy	DATE 2/25/92	

BUSINESS REGULATION SECTION  
1905 LANA AVE., NE  
SALEM, OR 97314-2350

# SURETY BOND

805706

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

**LET IT BE KNOWN:**THAT Ron Barber Enterprises, Inc

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS Division St Auto Parts U-Pull-It Division

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 13231 SE Division St Portland, OR 97236

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT \_\_\_\_\_

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY

(SURETY NAME)

1827 NE 44th Ave, Suite 100 Portland, Or 97213 287-6000

(ADDRESS, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 19 92 AND EXPIRES December 31 19 92 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

**-- ANY ALTERATION VOIDS THIS BOND --**

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 3rd DAY OF December 19 91.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

X Ron Barber

TITLE

President

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X Jane Hansen

TITLE

Attorney-in-Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

CBIC

TELEPHONE NUMBER

287-6000

ADDRESS

PO Box 12053

CITY, STATE, ZIP CODE

Portland, Or 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE

Meeting Date: February 25, 1992

Agenda No.: P-18

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal \_\_\_\_\_ BCC Formal February 25, 1992  
(date) (date)  
DEPARTMENT DES DIVISION Planning  
CONTACT Sharon Cowley TELEPHONE 2610  
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

Auto Wrecker's License  
Renewal:

Review auto wrecker's license renewal, with recommendation for approval, for Orient Auto Parts, located at 28425 SE Orient Drive

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

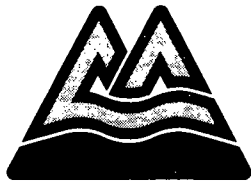
Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1992 FEB 20 PM 12:06  
MULTNOMAH COUNTY  
OREGON  
CLERK OF COUNTY COMMISSIONERS





# 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  
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RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

February 18, 1992

Honorable Board of County Commissioners  
Room 605, Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, Oregon 97204

RE: **Auto Wrecker's License -Renewal**

RS Davis  
(dba Orient Auto Parts)  
28425 SE Orient Drive, Gresham, 97080

**Recommend: Approval of Business Location**

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the location requirements for same as contained in ORS 822.10 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robert N. Hall, Senior Planner

RNH:sec

Enclosure - Wrecker's Application



# **Multnomah County Sheriff's Office**

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

**ROBERT G. SKIPPER**  
SHERIFF

(503) 255-3600

## MEMORANDUM

TO: SHARON COWLEY  
Administrative Assistant

FROM: SERGEANT KATHY FERRELL, Manager  
Intelligence Unit

DATE: January 16, 1992

SUBJECT: WRECKER'S LICENSE RENEWAL

Attached is an Application for Business Certificate as a Wrecker of Motor Vehicles for R. F. Davis Recycling, Inc., DBA Orient Auto Parts, 28425 S.E. Orient Drive, Gresham, Oregon 97080. The Sheriff's Office recommends the license be approved as long as zoning requirements have been satisfied.

Thank you for your attention.

KF/lsm/654-AINT

Attachment



OREGON MOTOR VEHICLES DIVISION  
1905 LANA AVE., NE, SALEM OR 97314

# APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR  
SALVAGE POOL OPERATOR

▼ CERTIFICATE NUMBER ▼

**NOTE:** FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.  
PLEASE TYPE OR PRINT LEGIBLY WITH INK.  
DO NOT SUBMIT THIS APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

☐ ORIGINAL  
☒ RENEWAL

NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME)

BUSINESS TELEPHONE

1 R.S. Davis Recycling, Inc. DBA Orient Auto Parts 503.663-1909  
2 28425 SE Orient Dr. Gresham 97080 Multnomah  
3 28425 SE Orient Dr. Gresham Or 97080

A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH ADDITIONAL LOCATION FROM WHICH YOU OPERATE YOUR BUSINESS.

CHECK ORGANIZATION TYPE:

IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED:

4 ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ CORPORATION

Oregon

LIST NAME AND RESIDENCE ADDRESS OF THIS OWNER, ALL PARTNERS OR PRINCIPAL CORPORATE OFFICERS:

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

NAME TITLE DATE OF BIRTH RESIDENCE TELEPHONE

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 300 ft. X 900 ft.

I CERTIFY THAT I AM THE OWNER, A PARTNER OR A CORPORATE OFFICER OF THIS BUSINESS AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

NAME TITLE RESIDENCE TELEPHONE

ADDRESS, CITY, STATE, ZIP CODE

SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER

DATE

15 **APPROVAL:** I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF Multnomah HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).  
B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.  
C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.  
D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

**FEE: \$54.00**

▼ PLACE STAMP OR SEAL HERE ▼

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:

BUSINESS REGULATION SECTION  
1905 LANA AVE., NE  
SALEM, OR 97314-2350

16 NAME Gladys McCoy

TITLE County Chair

PHONE NUMBER  
248-3308

17 SIGNATURE Gladys McCoy

DATE  
2/25/92

# SURETY BOND

804327

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

**LET IT BE KNOWN:**THAT R. S. Davis Recycling, Inc.

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS Metro Auto Wrecking and Recycling Co.

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28425 SE Orient Dr Gresham, Or 97030

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT \_\_\_\_\_

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY

(SURETY NAME)

1827 NE 44th Ave, Suite 100 Portland, Or 97213 287-6000

(ADDRESS, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 19 92 AND EXPIRES December 31 19 92 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

**-- ANY ALTERATION VOIDS THIS BOND --**

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 9th DAY OF December 19 91.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

X Jane Thorsen  
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

TITLE

TITLE

Attorney-in-Fact**SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:****PLACE SURETY SEAL BELOW**

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME CBIC TELEPHONE NUMBER 287-6000ADDRESS PO Box 12053CITY, STATE, ZIP CODE Portland, Or 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE

Corporate Officers R.S. Davis Recycling Inc.

Dale Jackson Vice. Pres. 12-23-45 503-663-6769  
33150 SE Bluff Rd. Boring, Or 97009

Rex Davis Vice. Pres. 5-25-55 503-663-7466  
391931 SE Hudson Rd. Sandy, Or 97055

Richard Davis President 10-5-35 503-663-3310  
10791 SE Telford Rd. Boring, Or 97009

June Davis Secretary 6-22-37 503-663-3310  
10791 SE Telford Rd. Boring, Or 97009

Michael Doane Vice. Pres. 10-22-56 503-665-6425  
1570 SE 9th Gresham, Or 97080

**CBIC**  
**CONTRACTORS BONDING**  
**AND INSURANCE COMPANY**

**RIDER**

**OREGON:**  
1827 NE 44th Avenue, Suite 100  
P.O. Box 12053  
Portland, OR 97212-0053  
(503) 287-6000  
(800) 926-CBIC National  
(503) 287-6100 FAX

ISSUED IN CONSIDERATION OF ADDITIONAL PREMIUM OF \$ \_\_\_\_\_  
TO BE ATTACHED TO AND FORM A PART OF LICENSE NUMBER \_\_\_\_\_  
BOND NUMBER 804327  
ON BEHALF OF R.S. Davis Recycling, Inc. dba Orient Auto Parts  
IN FAVOR OF THE STATE OF OREGON, EFFECTIVE 01/01/92  
IN THE AMOUNT OF 2,000  
IN CONSIDERATION OF THE PREMISES, it is hereby said that the name  
of the Principal on the above bond is changed.

FROM: R.S. Davis Recycling, Inc. dba Metro Auto Wrecking and Recycling Co.  
TO: R.S. Davis Recycling, Inc. dba Orient Auto Parts  
EFFECTIVE AS OF 01/01/92

PROVIDED, HOWEVER, that the attached bond as extended and continued hereby shall be subject to all terms, limitations and conditions, and that the liability of the Surety under the attached bond and the attached bond as extended by this rider shall not be cumulative in amounts.

SIGNED, sealed and dated this 12th of December 1991

BY: Contractors Bonding and Insurance Company, Seattle, Washington

BndORID.02-OR040491

BY: Jane Hansen  
Attorney-in-fact

Meeting Date: February 25, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision

BCC Informal \_\_\_\_\_ BCC Formal February 25, 1992  
(date) (date)  
DEPARTMENT DES DIVISION Planning  
CONTACT Sharon Cowley TELEPHONE 2610  
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

ZC 1-92/CU 1-92 Review the Decision of the Planning Commission of February 3, 1992, approving, subject to conditions, change in zone designation from LR-7 to MR-3 and conditional use approval for development of the subject site for a 5-space mobile home park expansion, all for property located at 12636 SE 122nd Avenue

(If space is inadequate, please use other side)

SIGNATURES:

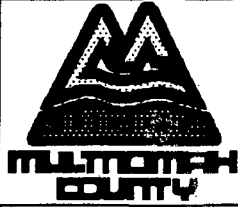
ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1992 FEB 18 AM 10:59  
MULTNOMAH COUNTY  
OREGON



**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.**

**February 3, 1992**

**ZC 1-92, #413**  
**CU 1-92, #413**

**MR-3, Medium Density Residential District**  
**Conditional Use Request**  
**(Five-Unit Mobile Home Park Expansion)**

Applicant requests a zone change from LR-7, Low Density Residential district to MR-3 Medium Density Residential district plus Conditional Use approval to allow the development of 5 additional spaces to a present 9-space mobile home park. A sight-obscuring fence would enclose the outer edges of the addition for privacy and security. All spaces will contain over 3,900 square feet. A cement sidewalk and paved roadway will provide access to the new mobile home sites.

**Location:** 12636 SE 122nd Avenue (12030 SE Boise Street)

**Legal:** Lot 27, Blk. F, Suburban Homes Club Tract

**Site Size:** 97' x 410", (39,770 Square Feet)

**Size Requested:** 97' x 314'6", (30,506.5 Square Feet)

**Property Owner:** Manifold Business and Investment  
7475 SE 52nd Avenue, 97206

**Applicant:** Leo and Molly Hopman  
10619 SE 77th Avenue, Milwaukie, 97222

**Comprehensive Plan:** Medium Density Residential

**Present Zoning:** LR-7, Urban Low Density Residential  
Minium. lot size of 7,000 square feet per dwelling unit

**Sponsor's Proposal:** MR-3, Urban Medium Density Residential District  
Density range from 8.1 to 16.1 dwelling units per square acre

**Planning Commission**

**Decision #1** **Approve, subject to conditions,** amendment of Sectional Zoning Map #413,  
**(ZC 1-92)** changing the described property from LR-7, single family residential district  
to MR-3, medium density residential district;

**Decision #2** **Approve, subject to conditions,** conditional use request to allow develop-  
**(CU 1-92)** ment of the subject site for a 5-space mobile home park expansion, all based  
on the following Findings and Conclusions.

**ZC 1-92 / CU 1-92**





Zoning Map

Case #: ZC 1-92, CU 1-92

Location: 12030 SE Boise Street

Scale: 1 inch to 200 feet, (approximate)

Shading indicates subject property

MR-4

MR-4

HOMES

ZC 55-68/D

ZC 169-68

ZC 210-68

ZC 91-69

ZC 23-75

SE BOISE ST. ST.

LR-7

MR-33

ZC 9-85  
CU 16-85

ZC 32-64

ZC 56-56/D

ZC 183-59/D

HR-2

PD 8-71

ZC 77-71

ZC 25-79

HV 32-80

PD 6-81

PR 9-79

ZC 50-79

HR-2

ZC 37-78

PD

ZC 175-63

NC

LR-7

SC

SE HOLGATE BLVD.

SE HOLGATE

LR-7

CS 40-59

LR-7

CS

MR-3

SC

LR-7

SC

FF

FF

**1991 Vicinity Map**  
**Case #: ZC 1-92, CU 1-92**  
**Location: 12030 SE Boise Street**  
**Scale: 1 inch to 150 feet, (approximate)**  
**Shading indicates subject property**

RD. No 1758 (FLOYD AVE) 8-17-50 BOISE ST.

122ND  
(BUCKLEY AVE)  
AVE.

COMMON AREA

**GETTYSBURG**

Co. RD. 3924  
9-14-68

BLVD. SE HOGATE  
(RD. 719) - END RD. 3

SE. 1/4 SEC. 10-15-2E 3442

30'

95.4'

75'

EXIST. RES.

6' HIGH WOOD FENCE

10' x 40' CONC. TYP.

22' DRIVE

NOTE: REMOVE BOARD FENCE TO ALLOW DRIVEWAY CONN. TO NEW AREA.

6' HIGH WOOD FENCE

ENTRANCE TO MOBILE HOME PARK

EXIST. 6" SEWER

NEW 27' x 52' UNIT #1

NEW 27' x 52' UNIT #2

NEW 27' x 52' UNIT #3

NEW 27' x 52' UNIT #4

NEW 27' x 52' UNIT #5

10' x 14' AWNING

10' x 14' AWNING

10' x 14' AWNING

10' x 14' AWNING

10' x 14' AWNING

2' WIDE WALK (CONC.)

2' WIDE ASPHALT STRIP FOR ARBORVITAE

6' HIGH SOLID WOODEN FENCE

54.6'

260'

314.6'

97'

NEW ADDITION

STORAGE & BUFFER STRIP

EXIST. MOBILE HOME PARK

6' HIGH WOOD FENCE

STORAGE CENTER

RES.

EXIST. RES.

5 UNIT ADDITION TO EXISTING 9 UNIT MOBILE HOME PARK

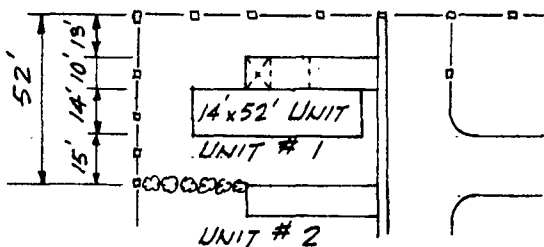
LOT 27, BLOCK F, SUBURBAN HOMES CLUB TRACT

UNITS #1, 2 & 3 HAVE 4000 SQ. FT.

UNITS #4 & 5 HAVE 3900 SQ. FT.

NOTE: No Awning is provided in Unit #1

ZC 1-92/CU 1-92



### **Conditions of Approval:**

1. Prior issuance of building permits, obtain Planning Division approval of, and record, a Property Line Adjustment to incorporate the southerly 314 feet of subject site into the site of the existing mobile home park.
2. Prior issuance of building permits, obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building colors. The Final Design Plan shall comply with the Mobile Home Park Development Standards of MCC 11.15.7715
3. Prior issuance of building permits, comply with the Transportation Division requirements regarding SE Boise Street.
4. Prior issuance of building permits, provide fire flow as required by Fire Marshal's Office. Contact Don Patty at 823-1198 for additional information.
5. Encourage the applicant to save large tree(s) on the subject site and confer with adjoining property owners for fencing the property.

### **Findings of Fact: (ZC1-92)**

#### **1. Applicant's Proposal:**

- A. **Description:** The applicant proposes to add five spaces to an existing nine-space mobile home park. Each space will have a minimum area of 3,900 square feet. A 20-foot wide paved driveway with a turn-around area would provide access to each space. As with the original project, the spaces in the proposed expansion are intended to serve low to moderate income households, especially the elderly. As proposed by the applicant, the south 314 feet of the site would be used for the five new mobile home spaces. The five new spaces would be aligned at right angles to the existing spaces, giving the expanded mobile home park an inverted "L" shape.
- B. **Access:** Access to the new spaces would be from SE 122nd Avenue over the existing mobile home park driveway, which would connect with a new 22-foot wide drive that would run in a north-south direction along the east side of the site.
- C. **Use of Site:** A single-family residence occupies the north 93 feet of the site, and is not part of the proposed mobile home park expansion. The applicant plans to add only the south 314 feet of the site to the existing mobile home park, leaving the house on a separate parcel of about 9,250 square feet. A condition of approval requires completion of a property line adjustment to separate the existing house and merging the expansion area with the existing 9-space mobile home park.

- D. **Basis for Applicant's Requests:** While the Powellhurst Community Plan designates the site as Medium Density Residential, the current zoning is LR-7, Low Density Residential. The MR-3, Medium Density Residential zone requested by the applicant allows a mobile home parks as Conditional Uses. The applicant also requests a Conditional Use permit for the proposed mobile home park expansion.
- E. **History:** The original nine-space mobile home park received County approval in 1985 (ZC 9-85/CU 16-85). As is being requested in the current proposal, the site of the original park was re-zoned from LR-7 to MR-3.

2. **Site Conditions and Vicinity Information:** Site conditions as shown on the site plan are as follows:

- A. The subject site is Lot 27, Block F of Suburban Homes Club Tract, and is on the south side of SE Boise Street about 300 feet west of SE 122nd Avenue. The site adjoins the westerly edge of the existing mobile home park (which in turn abuts SE 122nd Avenue). Holgate Boulevard is about 400-feet south of the site. Southeast 122nd Avenue is a Major Arterial with four travel lanes and is fully improved to County standards abutting the existing mobile home park. Southeast Boise Street is a Local Residential Street with two travel lanes and no curbs or sidewalks.
- B. There are a variety of land uses in the vicinity of the site. The three lots on the south side of Boise Street just east of the site have single-family houses on them, and are zoned LR-7. The lot at the southwest corner of 122nd and Boise (occupied by a duplex) and next lot to the south (vacant) are zoned MR-4. The Powellhurst Community Plan designation for all five lots is High-Density Residential. East of the site and south of the existing mobile home park are two single family properties zoned LR-7 with High-Density Residential Community Plan designations. The next lot to the south is vacant and has a Community Plan and zoning designation of NC, Neighborhood Commercial, as does a tavern at the northwest corner of 122nd Avenue and Holgate Boulevard.

Adjoining the site to the south are the Gettysburg condominiums with a High-Density Residential Community Plan designation and a HR-2 PD, High-Density Residential, Planned Development zoning designation. Adjoining the site on the west are a lot with a house and a vacant flag lot, both designated Medium Density Residential on the Community Plan and zoned LR-7.

- C. **Transportation System Considerations (SE 122nd Avenue):** Southeast 122nd Avenue will provide access to the new spaces. The County Engineer has determined that no additional right-of-way dedications or street improvements will be necessary on SE 122nd in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60).

- D. **Transportation System Considerations (SE Boise Street):** Southeast Boise Street is not fully improved to County standards at this time. The County Engineer has determined that in order to comply with it will be necessary for the owner to improve SE Boise Street abutting the site by providing curbs, sidewalks, and additional paving as a condition of approval.

3. **Zoning Ordinance Considerations (MCC 11.15):**

- A. In order to maintain consistency with zoning on the original mobile home park site and in order to seek conditional use approval to expand the mobile home park, the applicant seeks to re-zone the site from LR-7 to MR-3.
- B. MCC 11.15.8230 (D) lists approval criteria for a zone change. The burden of proof is on the applicant to demonstrate that:
- (1) *Granting the request is in the public interest;* [MCC 11.15.8230 (D)(1)]
  - (2) *There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other property;* [MCC 11.15.8230 (D)(2)]
  - (3) *The proposed action fully accords with the applicable elements of the Comprehensive Plan.* [MCC 11.15.8230 (D)(1)]

4. **Response to Approval Criteria** *NOTE:* Information provided by the applicant in response to approval criteria appears in Helvetica type. Staff comments to the applicant's information appear under the heading **Staff Comment**,

A. **Public Interest** [MCC 11.15.8230 (D)(1)]

**Applicant's Response**

- A. This request complies with numbers 13, 14, 16, 22, 25, 37, and 38 of the comprehensive plan policies.
- B. A small mobile home park offers an alternate housing choice for people who do not wish to maintain houses on large lots.
- C. The park addition would provide affordable homes to the elderly and to others of lower incomes. It also provides home spaces close to commercial outlets and to job opportunities.
- D. There is a need in the area for more variety in housing situations.

### **Staff Comment**

The Powellhurst Community Plan has determined that it is in the public interest to designate the subject site and adjacent property to the west as Medium Density Residential. The Medium Density designation would allow 11 garden apartment units under MR-3 zoning. The applicant's request, if granted, would result in five addition units. The five mobile home units proposed would be an appropriate transition development at this time. It lies between the existing mobile home park on the east and the undeveloped properties to the west that are designated Medium Density Residential by the Plan but which are still zoned LR-7. For these reasons and those stated by the applicant, the proposal satisfies MCC 11.15.8230 (D)(1).

### **B. Public Need [MCC 11.15.8230 (D)(2)]**

#### **Applicant's Response**

Using the Powellhurst Community Land Use Map, along with a physical inventory of the immediate area, we ascertained there was no other site offering proper development size and acceptable drainage where this particular type of housing with its special benefits could be located.

Granting this change would cause less of an impact on the population density of the area since it would allow only single story dwellings to occupy the space.

### **Staff Comment**

The mobile home park is intended to serve the elderly and low-to-moderate income people. Mobile homes are more affordable than conventional housing and have lower maintenance costs. Mobile homes offer a "home ownership" opportunity for the above-mentioned groups. Policy No. 21, Housing Choice of the Powellhurst Community Plan encourages more affordable housing and encourages the providing of provision of a wider range of housing alternatives. Implementation Strategy 2.B of Policy No. 21 states "Support the provision of housing for the elderly, including low maintenance, smaller units and nursing homes within existing communities." Strategy 2.E states "Encourage housing choices for people who do not wish to maintain houses on large lots."

The subject site is a suitable location for expansion of the mobile home park. The property has frontage on a major four-lane arterial street. Commercial zoning districts are located only 250 feet south. Therefore, expansion of the existing park would be compatible with surrounding land uses.

As opposed to other property, changing the zone on the subject site meets the public need best because it facilitates an appropriate expansion of an existing mobile home park. Also, much of the Powellhurst community is within the 100 year floodplain of

Johnson Creek. The fact that the site is outside of the floodplain is important since the Mobile Home Park Approval Criteria of the Zoning Ordinance require that a site be free of natural development limitations. For these reasons and those stated by the applicant, the proposed zone change satisfies MCC 11.15.8230 (D)(2).

- C. **Comprehensive Plan:** The following Powellhurst Community Plan Policies are applicable:

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

**Applicant's Response**

(1) This proposal aids in arranging land use in a manner which reinforce the use of public transit. This will result in the reduced use of automobiles and a reduction of both noise and air pollution.

(2) Section 208, Water Quality Planning Process, would be supported as a means to deal with the pollution problems related to urban site storm water run-off through the use of storm drain sumps.

**Staff Comment**

It appears that no significant impact on air pollution will result from the five additional mobile homes allowed by the proposed zone change and conditional use. The Mis-County Sewer Project staff has verified that public sewer is available to the site, either by connecting to a six-inch line that runs through the existing mobile home park and connects into the line in 122nd Avenue, or by connecting to a line in Boise Street. Storm drainage will be required to be handled on-site. Since the site fronts on a four lane arterial street with heavy traffic volume, existing background noise levels will not be affected. For these reasons, the proposal satisfies Policy 13.

- (2) **Policy 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.

**Applicant's Response**

The property as proposed has no development limitations in terms of slope, soil characteristics, water table, or one hundred year flood plain.



### **Staff Comment**

The site is outside the 100 year flood zone and is not in an earth movement area. Surface run-off into the public right-of-way will be handled by storm drain facilities to be approved by the County Engineer. No slopes exceeding five percent exist on the site. Therefore, the proposal satisfies Policy 14.

- (3) **Policy No. 19, Community Design:** This policy directs the County to establish a design review process for development other than detached single-family houses and duplexes.

### **Staff Comment**

No response to this policy was submitted by the applicant. However, completion of the Design Review process prior to expansion of the park is a condition of approval. As part of the Design Review process, the applicant will provide detailed landscaping and screening plans. Subject to compliance with that condition, the proposal satisfies Policy 19.

- (4) **Policy No. 22, Energy Conservation:** This policy promotes energy conservation.

### **Applicant's Response**

The infilling of developable vacant land within the community will help to reduce further urban sprawl which is costly in energy use. Both electricity and transportation fuels would be saved. Walking would be encouraged since the location is nearby to commercial outlets and to employment development opportunities. The immediate area is also serviced by a pedestrian-bicycle path. The property has established Tri-Met service.

### **Staff Comment**

The proposed mobile home park expansion is an "infill development" of a vacant property within the urban area. The expansion will help reduce urban sprawl which wastes energy. Southeast 122nd Avenue has Tri-Met bus service, with the nearest bus stop located near 122nd Avenue and Boise Street, only 100 feet from the site. For these reasons and those stated by the applicant, the proposal satisfies Policy 22.

- (5) **Policy No. 25, Mobile Homes:** This policy establishes locational standards for mobile home subdivisions, mobile home parks and mobile homes on individual lots.

## **Applicant's Response**

### **(1) Mobile Homes**

- a. Mobile homes offer affordable housing for citizens of Multnomah County.
- b. The vacancy rate in mobile home parks is approximately three percent.
- c. Each home will have an Oregon certification indicating compliance with the mobile home construction and equipment standards. The present state standards are estimated to increase the life of a mobile home to between twenty and thirty years.
- d. Each single wide unit shall be tied down with devices which meet state tie-down standards.
- e. Each unit must have a floor space of not less than 225 square feet.

### **(2) Mobile Home Parks**

- a. Mobile home parks should be located in the medium density areas as conditional uses in order to allow all of the community impacts to be identified.
- b. A suitable screen would be placed on the perimeter to provide privacy to adjacent users.
- c. Any mobile home to be located in these spaces shall comply with the standards of this subsection relating to the state of Oregon and Multnomah Co. Mobile Home Park Approval and Development criteria.
- d. No home would be placed closer than five feet from a park property line.
- e. This mobile home park shall have a park street of twenty feet in width with a suitable turnaround of the same dimensions.
- f. There shall be no outdoor storage of furniture, electrical appliances, tools, equipment, building materials, or supplies .
- g. Not more than forty percent of the area of a mobile home space will be occupied by a mobile home.
- h. The only detached structure located on a mobile home space shall be a fully enclosed storage building.

### **Staff Comment**

For the reasons stated in Finding 4 of CU 1-92, the proposal satisfies the Mobile Home Park Approval Criteria in MCC 11.15.7710. A condition of approval requires that the proposed expansion be subject to the County's Design Review process and will have to satisfy the Mobile Home Park Development Standards of MCC 11.15.7715. The Mobile Home Park Approval Criteria and Development Standards implement Policy 25. For these reasons, the proposed zone change satisfies Policy 25.

(6) **Policy No. 35, Public Transportation**

Tri-Met Lines #17 and #71 provides service along SE Holgate Boulevard, with the nearest stop at 122nd and Boise, about 100 feet north of the site. For this reason, the proposal satisfies Policy 35.

(7) **Policy No. 36, Transportation System Development Requirements**

### **Staff Comment**

Southeast 122nd Avenue adjacent to the existing mobile home park is fully improved to County standards. However, SE Boise Street abutting the lot that contains the proposed expansion site is not improved to County standards at this time. Approval conditions #3 requires the owner to satisfy the requirements of the County Transportation Division regarding improvement of SE Boise Street abutting the north edge of the subject site. The County Engineer has indicated that improvements will include installation of a curb and sidewalk along Boise Street abutting the site as well as additional paving. The County Engineer has determined that the improvements are necessary in order for the proposal to comply with the provisions of the Street Standards Ordinance MCC 11.50). For these reasons, and subject to the conditions of approval, the proposal satisfies Policy 36.

(8) **Policy No. 37, Utilities:** This policy requires a finding that the water, sanitation, drainage and communication facilities are available as follows:

### **WATER AND DISPOSAL SYSTEM**

***A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR***

***B. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR***

***C. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM; OR***

***D. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND A PUBLIC SEWER WITH ADEQUATE CAPACITY.***

**DRAINAGE**

***E. THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN—OFF; OR***

***F. THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND***

***G. THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY AFFECT THE WATER QUALITY IN ADJACENT STREAMS, PONDS, LARES OR ALTER THE DRAINAGE ON ADJOINING LANDS.***

***ENERGY AND COMMUNICATIONS***

***H. THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL PROJECTED BY THE PLAN; AND***

***I. COMMUNICATIONS FACILITIES ARE AVAILABLE.***

**Staff Comment**

**Water and Sanitation:** The Powell Valley Road Water District has verified that water service is available to serve the proposed mobile home park expansion from an 8-inch line in SE 122nd Avenue. The staff of the Mid-County Sewer Project has verified that the new mobile home spaces can be served by public sewer either through the line in SE 122nd Avenue or through a line in SE Boise Street. Actual connection to the sewer system will be subject to approval by the Plumbing Division of the City of Portland. For these reasons, the proposal complies with Item A above.

**Drainage:** In conjunction with construction of the mobile home park expansion, the owner will be required to construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development. Compliance with the condition will assure satisfaction of Items **E** through **G** above

**Energy and Communication:** Portland General Electric provides electric power, Northwest Natural Gas Co. provides gas service and US West provides telephone service. The proposal satisfies Items **H** and **I** above.

(9) **Policy No. 38, Facilities**

**Staff Comment**

The property is located in the David Douglas School District, which can accommodate student enrollment from the mobile homes added to the site. Multnomah County Fire District No.10 provides fire protection and the Multnomah County Sheriff's Office provides police protection.

**Conclusions: (ZC1-92)**

1. Finding 4 indicates that the proposed zone change meets the Approval Criteria of the Zoning Ordinance as stated in MCC 11.15.8230 (D).

**Findings of Fact: (CU 1-92)**

1. **Applicant's Proposal:** Please refer to Finding 1 above for ZC1-92.
2. **Site Conditions and Vicinity Information:** Please see Finding 2 for ZC1-92.
3. **Zoning Ordinance Considerations (MCC 11.15):**
  - A. A mobile home park is a Conditional Use in the requested MR-3 zone. MCC 11.15.2770(C) states that a mobile home park is allowed in the MR-3 zone, "... ***subject to the approval criteria of MCC 11.15.7710, the development standards of MCC 11.15.7715 and the requirements of MCC 11.15.8230(D)(3).***" [compliance with the applicable elements of the Comprehensive Plan]).
  - B. The Mobile Home Park approval criteria of MCC 11.15.7710 are:

***"In approving a mobile home park in an MR-4 or MR-3 district, the approval authority shall find that the proposal:***

- (1) ***Is located outside a "Developed Neighborhood as designated in the Comprehensive Plan;***

- (2) *Will have direct pedestrian and two-way vehicular access on a County road;*
- (3) *Will be located on a site free from development limitations such as slopes exceeding 20%, severe erosion or earth slide potential, or a high seasonal water table;*
- (4) *Will provide for the privacy of the occupants of the mobile homes, of adjoining dwellings and of outdoor living areas through such means as the placement of mobile homes and accessory structures, the arrangement of landscaping, parking and circulation and the preservation of natural vegetation and other features;*
- (5) *Will provide for the conservation of energy through orientation of mobile homes, accessory structures and open spaces with regard to solar exposure and climatic conditions;*
- (6) *Will provide outdoor or indoor recreation spaces of a type and location suitable to the needs of the residents of the park; and*
- (7) *Will satisfy the mobile home park development standards listed in MCC 11.15.7715."*

4. **Response to Mobile Home Park Approval Criteria:(MCC 11.15.7710)**

- A. *"outside a Developed Neighborhood . . . [MCC 11.15.7710 (A)]*

**Applicant's Response:**

This property is located outside a "Developed Neighborhood" as designated in the Powell Hurst Community Plan.

**Staff Comment**

Staff concurs with the applicant's statement. The proposal satisfies MCC 11.15.7710 (A).

- B. *. . . access . . . [MCC 11.15.7710 (B)]*

**Applicant's Response:**

Will have direct pedestrian and two-way vehicular access to 122nd avenue. A publically maintained road with access through existing private mobile home park street.

### **Staff Comment**

For pedestrian access, there is a concrete sidewalk along 122nd Avenue adjacent to the existing mobile home park, and asphalt footpaths on adjacent properties. Two-way vehicle access between the new spaces and 122nd Avenue will be over an extension of the private roadway that serves the existing spaces. Therefore, the proposal satisfies MCC 11.15.7710 (B).

- C. ... *no development limitations* ... [MCC 11.15.7710 (C)]

### **Applicant's Response:**

Location of site is free from development limitations, it is above flood plain, free from earth slide potential or erosion and has a slope of less than 20%.

### **Staff Comment**

The site is free from development limitations. It is outside the Johnson Creek 100-year floodplain. There is no severe erosion potential or slopes exceeding 20% or high seasonal water table. For these reasons, the proposal satisfies MCC 11.15.7710 (C).

- D. ... *privacy* ... [MCC 11.15.7710 (D)]

### **Applicant's Response:**

Will provide for the privacy of the mobile home occupants through placement of homes, placement of accessory structures, driveways, and placement of landscaping trees and shrubs.

### **Staff Comment**

The mobile home spaces will be arranged so that the privacy of the park residents and surrounding properties will be protected. A 6-foot high sight-obscuring fence will be located along the park perimeter. An arborvitae hedge will be planted along the east property line opposite the southernmost two new mobile home spaces. The individual spaces will be large enough so that each space occupant can plant shrubs and trees for screening. For these reasons, the proposal satisfies MCC 11.15.7710 (D).

- E. ... *conservation of energy* ... [MCC 11.15.7710 (E)]

**Applicant's Response:**

Will provide for the conservation of energy through the east to west placements of mobile homes, providing for exposure to seasonal harsh climatic conditions.

**Staff Comment**

The orientation of the site of the proposed park expansion allows orientation of the mobile homes so that their full lengths will receive a southern exposure. For these reasons, the proposal satisfies MCC 11.15.7710 (E).

- F. . . . *recreation spaces* . . . [MCC 11.15.7710 (F)]

**Applicant's Response:**

Home lot size, fencing and home size, along with placement of awnings and landscaping will provide the outdoor or indoor recreation space of the type suitable to the park residents.

**Staff Comment**

The project is intended primarily for the elderly. This population group tends to prefer a private yard space near for gardening and other recreation activities rather than a common outdoor area or recreation building. The proposed spaces will be large enough to accommodate these activities. For these reasons, the proposal satisfies MCC 11.15.7710 (F).

- G. . . . *development standards* . . . [MCC 11.15.7710 (G)]

**Applicant's Response:**

These spaces will satisfy the Mobile Home Park Development Standards of MCC. 11.15.7715.

**Staff Comment**

The Mobile Home Park Development Standards of MCC 11.15.7715 relate to mobile home setbacks, structural requirements per the Building Code, utilities and sanitation. Condition 2 requires compliance with the Design Review process before construction or mobile home placement. As part of that process, the Final Design Plan will have to satisfy the design-related standards of MCC 11.15.7715. The design structural and utility-related standards will be met at the time individual siting permits are issued for each mobile home. For these reasons, the proposal satisfies MCC 11.15.7710 (G).

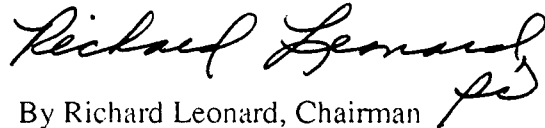
5. **Comprehensive Plan Compliance [MCC 11.15.8230(D)(3)]:** See Finding 4.C for ZC 1-92.



### **Conclusions: (CU 1-92)**

1. Based on Finding 4.C for ZC1-92, the proposed conditional use satisfies the applicable elements of the Comprehensive Plan.
2. Based on Findings 4 for CU 1-92, the proposed conditional use satisfies the Mobile Home Park Approval Criteria of MCC 11.15.7710.

Signed February 3, 1992



By Richard Leonard, Chairman

**Filed With the Clerk of the Board on February 13, 1992**

### **Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, February 24, 1992 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, February 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

Applicant's Submittal  
(ZC 1-92 and CU 1-92)

#### APPLICANT'S PROPOSAL

1. Applicant requests conditional use approval on the enclosed described property to allow the development of five additional mobile home spaces to a present nine space park.
2. This additional space would be available for rent to senior adults only.
3. The homes placed in this addition would be of new construction. They would be of wood type siding, composition roofing, and have continuous skirting.
4. All state and county regulation's would be adhered to so as to have this addition an asset to the area.
5. Turf and trees shall be placed at each home site to enhance the beauty of the area.
6. The entire addition shall be encircled with a sight obscuring fence to provide both privacy and security.
7. All lot spaces shall contain an excess of 3927 square feet.
8. There will be a cement sidewalk and paved street the entire length of home sites.

### GRANTING THIS REQUEST IS IN THE PUBLIC INTEREST

- A. This request complies with numbers 13, 14, 16, 22, 25, 37, and 38 of the comprehensive plan policies.
- B. A small mobile home park offers an alternate housing choice for people who do not wish to maintain houses on large lots.
- C. The park addition would provide affordable homes to the elderly and to others of lower incomes. It also provides home spaces close to commercial outlets and to job opportunities.
- D. There is a need in the area for more variety in housing situations.

### THERE IS A PUBLIC NEED FOR THE REQUESTED CHANGE

- A. Using the Powellhurst Community Land Use Map, along with a physical inventory of the immediate area, we ascertained there was no other site offering proper development size and acceptable drainage where this particular type of housing with its special benefits could be located.
- B. Granting this change would cause less of an impact on the population density of the area since it would allow only single story dwellings to occupy the space.

### APPLICABLE COMPREHENSIVE PLAN POLICIES

- 1. The following policies of the Powellhurst Community Plan are found to apply to this proposal:

#### A. No. 13-Air and Water Quality and Noise Level

- (1) This proposal aids in arranging land use in a manner which reinforce the use of public transit. This will result in the reduced use of automobiles and a reduction of both noise and air pollution.
- (2) Section 208, Water Quality Planning Process, would be supported as a means to deal with the pollution problems related to urban site storm water run-off through the use of storm drain sumpt.

#### B. No. 13-Development Limitations

The property as proposed has no development limitations in terms of slope, soil characteristics, water table, or one hundred year flood plain.

C. No. 16-Natural Resources

- (1) The property is ideal for energy resources such as solar energy. With its east-west exposure, solar energy can be used to help meet the space heating needs of structures and also for heating water.
- (2) This proposal will help preserve the natural values of the area and will also support the preservation of the wildlife habitat of the Johnson Creek Corridor.

D. No. 22-Energy Conservation

The infilling of developable vacant land within the community will help to reduce further urban sprawl which is costly in energy use. Both electricity and transportation fuels would be saved. Walking would be encouraged since the location is nearby to commercial outlets and to employment development opportunities. The immediate area is also serviced by a pedestrian-bicycle path. The property has established Tri-Met service.

E. No. 25-Mobile Homes

(1) Mobile Homes

- a. Mobile homes offer affordable housing for citizens of Multnomah County.
- b. The vacancy rate in mobile home parks is approximately three percent.
- c. Each home will have an Oregon certification indicating compliance with the mobile home construction and equipment standards.  
  
-The present state standards are estimated to increase the life of a mobile home to between twenty and thirty years.
- d. Each single wide unit shall be tied down with devices which meet state tie-down standards.
- e. Each unit must have a floor space of not less than 225 square feet.

(2) Mobile Home Parks

- a. Mobile home parks should be located in the medium density areas as conditional uses in order to allow all of the community impacts to be identified.
- b. A suitable screen would be placed on the perimeter to provide privacy to adjacent users.
- c. Any mobile home to be located in these spaces shall comply with the standards of this subsection relating to the state of Oregon and Multnomah Co. Mobile Home Park Approval and Development criteria.

- d. No home would be placed closer than five feet from a park property line.
- e. This mobile home park shall have a park street of twenty feet in width with a suitable turnaround of the same dimensions.
- f. There shall be no outdoor storage of furniture, electrical appliances, tools, equipment, building materials, or supplies.
- g. Not more than forty percent of the area of a mobile home space will be occupied by a mobile home.
- h. The only detached structure located on a mobile home space shall be a fully enclosed storage building.

F. No. 37-Utilities

(1) Water Service

This area is serviced by Powell Valley Water which uses only water from Bull Run. Powell Valley is continually upgrading lines and increasing storage capacity.

(2) Sewage Disposal

Sewage disposal will be by the County Public Sewer System. Account No. 52244

(3) Drainage

A percolation is good throughout the area of this particular property location.

Excess surface drain water would be handled by using a sumpt drain. Located in the center of perposed street.

(4) Energy and Communications

- a. Portland General Electric would distribute and sell power to this location.
- b. US West provides telephone service.
- c. Northwest Natural Gas provides gas service to the property frontage.
- d. Paragon Cable would be supplied to each space.

G. No. 38-Facilities

(1) Schools

The proposed use for this land would accomodate adult citizens only. This would not cause an impact on the public school system of this area. Mt. Hood Community College has an extension in the area for those adults that wish to further there education and advancement.

(2) Fire Protection

Fire District number 10 services this area. The district has four stations.

(3) Police Protection

This area is serviced by Team Number 4 of the County Sheriff Division.

Meeting Date: February 25, 1992

Agenda No.: P-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision

BCC Informal \_\_\_\_\_ BCC Formal February 25, 1992  
(date) (date)  
DEPARTMENT DES DIVISION Planning  
CONTACT Sharon Cowley TELEPHONE 2610  
PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

xx Denial

☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 3 Minutes

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

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

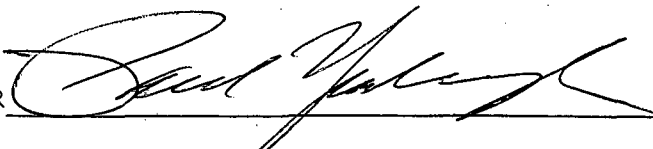
HDP 17-91 Review the Decision of the Planning Commission of February 3, 1992, Denying the appeal and Upholding the Director's Decision of December 20, 1991, approving, subject to conditions, a Hillside Development Permit for the proposed trenching and fill placement, all for property located at 12040 NW Tualatin Avenue.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1992 FEB 20 PM 12:08  
CLERK OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON





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

## DECISION

This Decision consists of Findings of Fact and Conclusions

February 3, 1992

HDP 17-91, #100

Hillside Development Permit  
(Appeal of Administrative Decision)

Appellant challenged a Planning Director's Decision, approving a *Hillside Development Permit* for grading and fill associated with a house under construction. The site is located in the RR, rural residential zoning district. The Director's December 20, 1991 decision approved excavation of a waterline trench and placement of approximately 275 cubic yards of fill material. Eight (8) conditions of approval were attached to the permit.

**Location:** 12040 NW Tualatin Avenue

**Legal:** Lots 8-10, Tulamette Acres

**Site Size:** 4.6 Acres

**Size Requested:** Same

**Property Owner:** Benell and Ilene Tindall  
1415 North Baldwin, Street, 97217

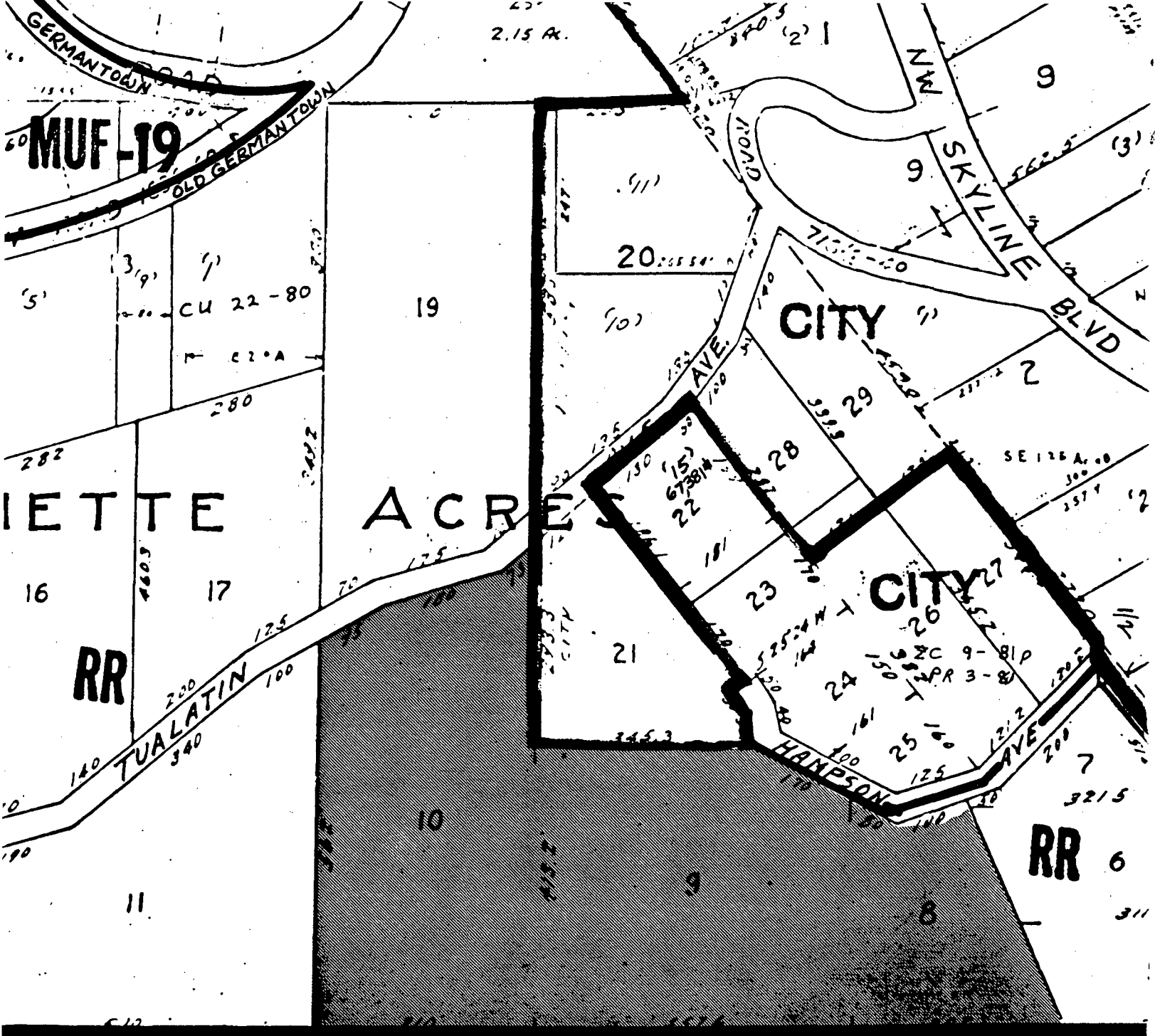
**Appellant:** Nancy Fick  
PO Box 6842, Portland, 97228

**Comprehensive Plan:** Rural Residential

**Present Zoning:** RR, Rural Residential District

### Planning Commission

**Decision:** DENY the appeal;  
UPHOLD the Director's Decision of December 20, 1991; and,  
APPROVE, SUBJECT TO CONDITIONS, a *Hillside Development Permit* for the proposed trenching and fill placement, all based on the following Findings and Conclusions.



**MUF -19**



**Zoning Map**  
Case #: HDP 17-92  
Location: 12040 NW Tualatin Avenue  
Scale: 1 inch to 200 feet (approx)  
Shading indicates subject property

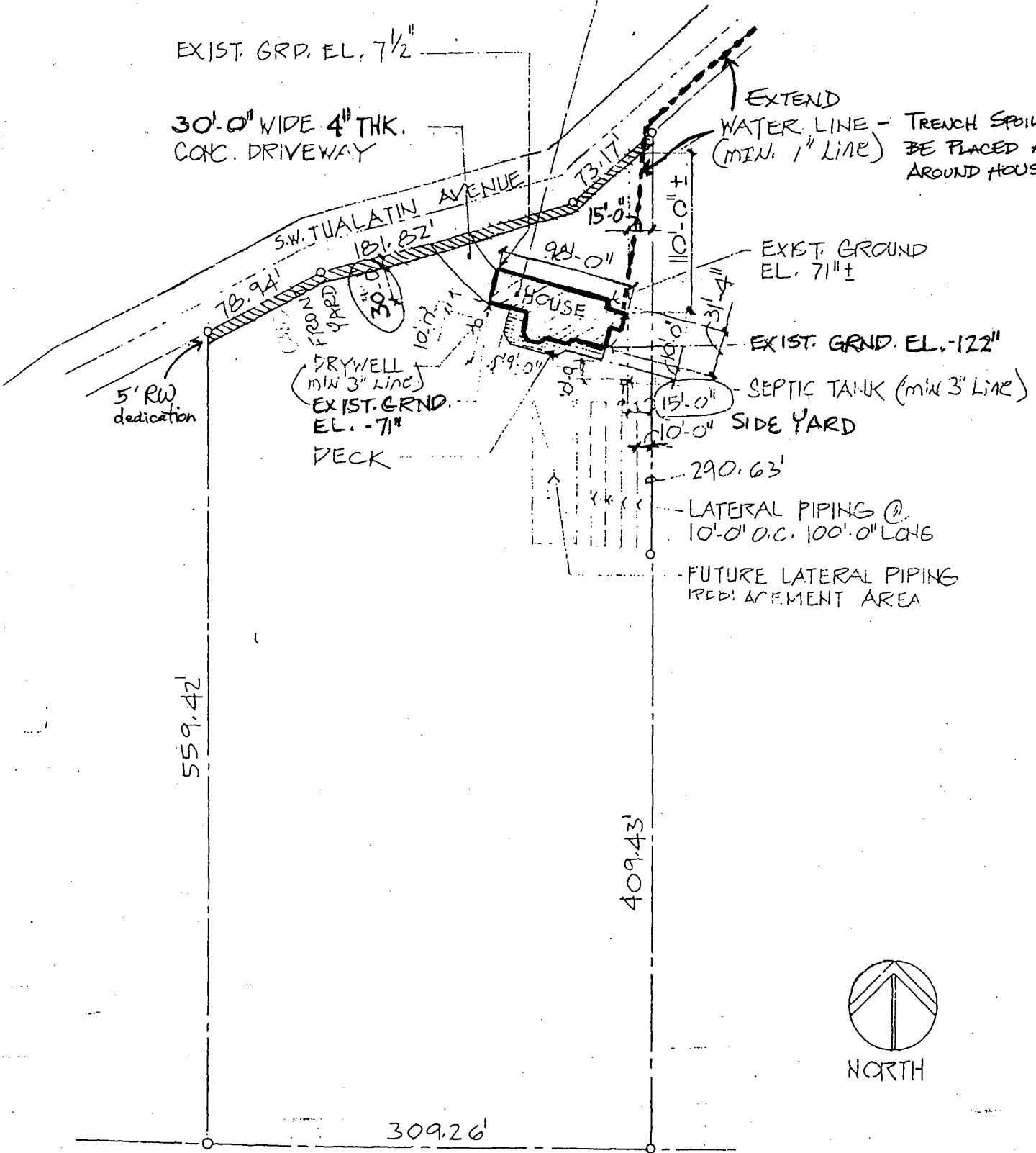


LOWEST FIRST FLR. EL. 2.46'

EXIST. GRD. EL. 7 1/2"

30'-0" WIDE 4" THK.  
CONC. DRIVEWAY

EXTEND  
WATER LINE - TRENCH SPOILS TO  
(MIN. 1" LINE) BE PLACED AS FILL  
AROUND HOUSE SITE



PLOT PLAN

1" = 100'-0"

FILE No:  
HDP 17-91

## CONDITIONS OF APPROVAL

1. Obtain a separate Hillside Development Permit pursuant to MCC 11.15.6710 for existing terracing and fill work generally north and west of the house site. Building Permits may also be required for retaining structures if subject to the Uniform Building Code.

## BACKGROUND:

- A. August, 1991 — Mike DeCorte initiated the Building Permit process to construct a single family house on the subject property for Benell and Ilene Tindall. The Planning Division reviewed and approved a plot plan for the house on August 19, 1991.
- B. September 26, 1991 — The Portland Building Bureau issued Permit # 91-105322. A note on the permit indicated "Erosion Control Required".
- C. October 22, 1991 — DeCorte Construction applied to the County Planning Division for a permit to "...move dirt from water line ditch to another location on the property... Total amount of dirt to be moved is approx. 110 cubic feet...". In November, the applicant modified the estimate to approximately 275 cubic yards of fill.
- D. December 20, 1991 — The Planning Director approved a **Hillside Development Permit** for the described excavation and fill work. Notice of the decision was mailed to owners of property within 250-feet of the subject site pursuant to ORS 215.416(11) and MCC 11.15.8220(C)(2)(b).
- E. December 30, 1991 — An appeal of the Director's Decision was filed by Nancy M. Fick, a neighboring property owner. Ms. Fick owns the parcel of property to the north of the subject site. Ms. Fick offers the following grounds for reversal of the Hillside Development Permit approval:

*"The waterline/grading work encroaches onto my property (Lot 19, Tulamette Acres). This conflicts with criteria A(1)(c) on page 3 of the decision."*

## FINDINGS

1. The HDP 17-91 Decision identifies applicable approval criteria for Hillside Development Permits. These are incorporated by reference.

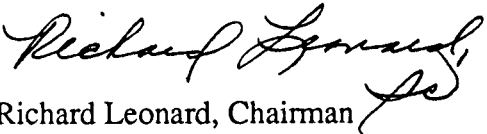
2. Since the appeal was filed, several letters and other materials have been added to the file regarding what is essentially a property line dispute. Ms. Fick believes the excavation work already performed for the house construction extends beyond the north boundary of the site (i.e., into the Tualatin Avenue right-of-way). Correspondence and survey maps are included as exhibits to this report.
3. Site visits by Staff confirm that additional grading work has been performed at the site, beyond that described in the HDP 17-91 decision. In 1991, the site was terraced, creating flatter areas immediately north and west of the house site for landscaping and a driveway. A condition requires the applicant to provide revised plans for a Hillside Development Permit for existing terracing and proposed retaining walls near the north property line.
4. The approval criteria at issue states "...Cuts and fills shall not endanger or disturb adjoining property..." [Ref. MCC .6730(A)(1)(c)]. Applicant provided recorded survey #51724 indicating the property line and existing fence locations along the Tualatin Avenue boundary of the site. Review of this, along with substantial evidence in the record, and pictures and slides available at the hearing, persuade that the waterline trenching and associated fill around the base of the house should not endanger or disturb adjoining property. The Commission was not persuaded that appellant had credible evidence to refute or challenge the survey of record relied upon for this permit. However, the Commission further noted that they were not the appropriate review authority for challenging the validity of a recorded survey, or resolving a property line dispute.

## CONCLUSIONS

1. The proposed grading complies with applicable criteria if conditions are addressed pursuant to the HDP 17-91 decision dated December 20, 1991.
2. A condition is attached to this appeal decision to assure the existing terracing and fill work is completed and landscaped according to geotechnical and grading standards in the Zoning Code.
3. The applicant has provided substantial and credible evidence which persuades that the grading work proposed will not endanger or disturb adjoining properties.
4. The Planning Commission cannot rule on the appellant's claims regarding the validity of recorded survey #51724; the Commission has no authority to review or resolve property line disputes.

In the matter of the Appeal of HDP 17-91:

Signed February 3, 1992

  
Richard Leonard, Chairman

Filed with the Clerk of the Board, February 13, 1992

**Appeal to the Board of County Commissioners**

*Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice and objects to their recommended Decision may file a Notice of Review with the Planning Director on or before 4:30 PM on Monday, February 24, 1992 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, February 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information, call the Multnomah County Planning and Development Division at 248-3043.*

Appeal  
324-92

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10 min. per  
side



Meeting Date: February 25, 1992

Agenda No.: P-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Decision

BCC Informal (date) BCC Formal February 25, 1992  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2 Minutes

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

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

CS 3-92/HV 1-92 Review the Decision of the Planning Commission of February 3, 1992, approving, subject to conditions, community service expansion to allow installation of a cellular telephone communications monopole, with associated antennas and to erect an electronics equipment building, plus a reduction of the required front yard and south and side yard west setbacks, all for property located at 1853 SW Highland Road.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

CLERK OF  
COUNTY  
1992 FEB 20 PM 12:05  
MULTNOMAH COUNTY  
OREGON



**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

**February 3, 1992**

**CS 3-92, #139  
HV 2-92, #139**

**Community Service Expansion  
Front and Side Yard Setback Variances  
(Cellular Telephone Communications Monopole)**

Applicant requests community service approval, with a variance request for a reduction of the required front yard south and side yard west, in order to install a cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject site.

**Location:** 1853 SW Highland Road

**Legal:** Tax Lot '2', of Lots 6 and 7, Blk. 2,  
The Highlands Plat 1 and 2

**Site Size:** 4.3 Acres

**Size Requested:** 900 Square Feet

**Property Owner:** The Racquet Club  
1853 SW Highland Road, 97221

**Applicant:** Interstate Mobilephone Company (dba Cellular One)  
4505 NE 24th Avenue, 97211

**Comprehensive Plan:** Single Family Residential

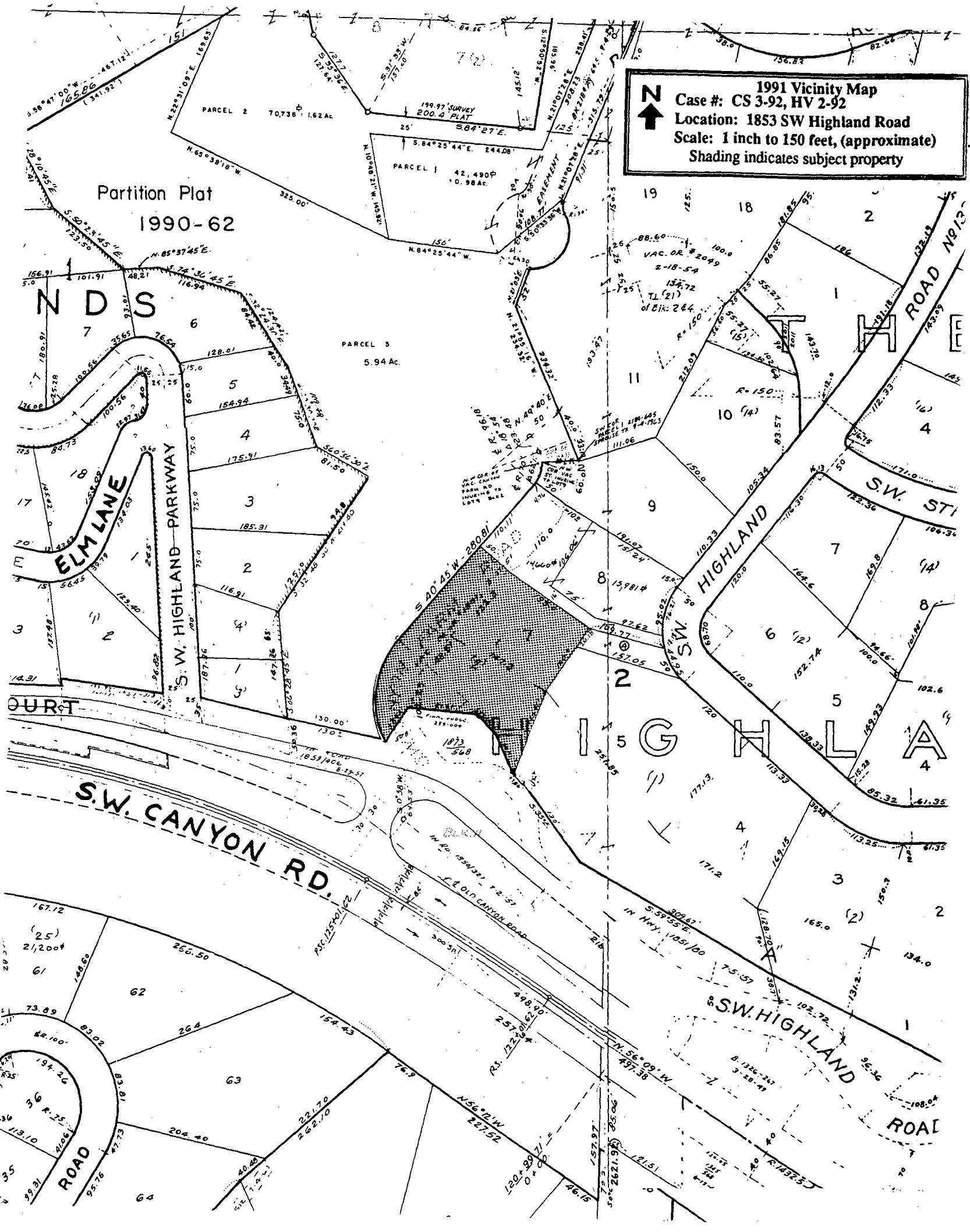
**Present Zoning:** R-10, C-S, Single Family Residential Community Service District Community Service designation shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

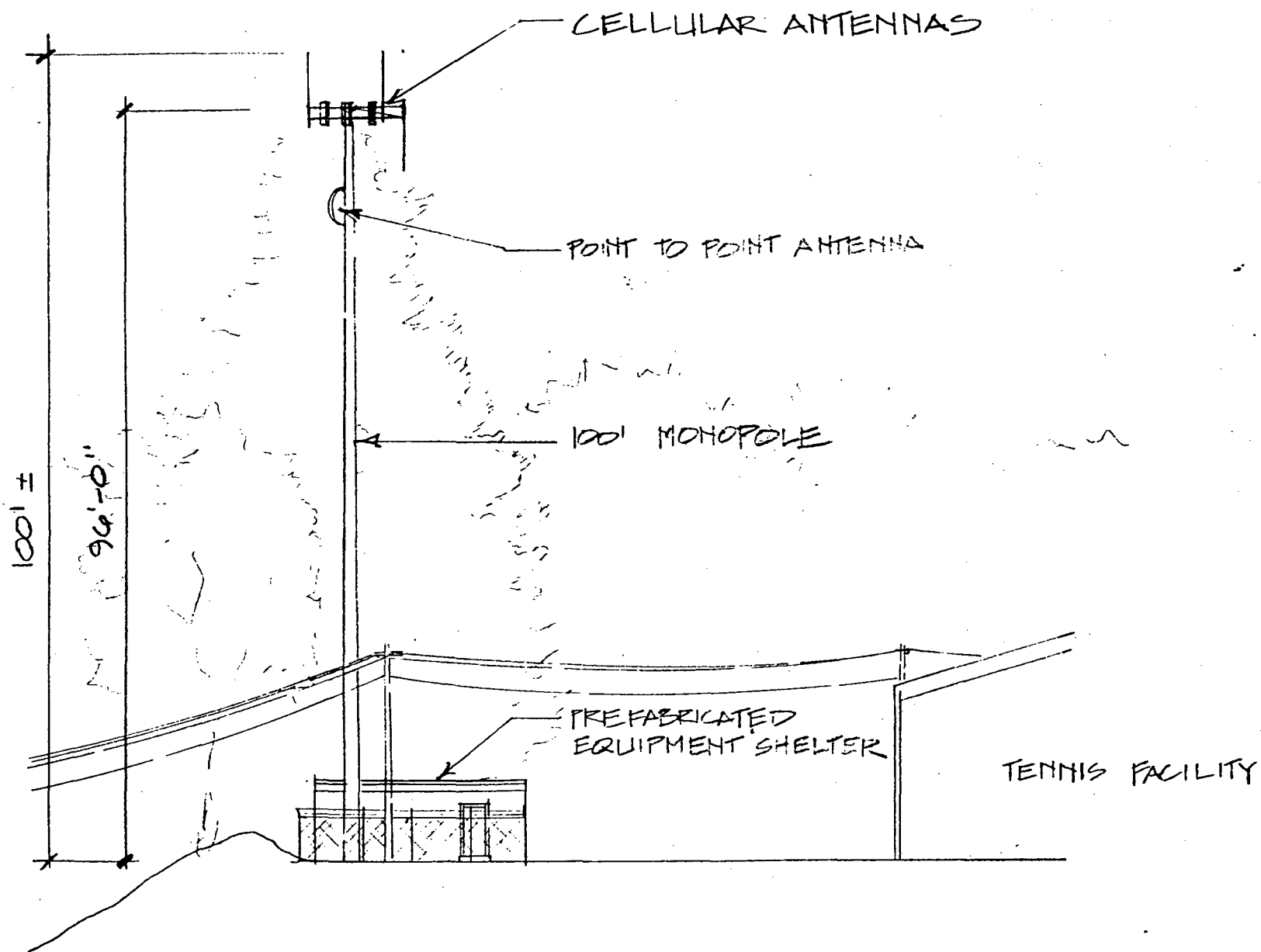
**Planning Commission**

**Decision:** **APPROVE, subject to conditions,** community service designation and variances for a reduction of the required front yard south and side yard west, to allow installation of a cellular telephone communications monopole, with associated antennas, and to erect an electronics equipment building on the subject site, based on the Following Findings and Conclusions.

**CS 3-92/HV 2-92**

**1991 Vicinity Map**  
**Case #: CS 3-92, HV 2-92**  
**Location: 1853 SW Highland Road**  
**Scale: 1 inch to 150 feet, (approximate)**  
**Shading indicates subject property**

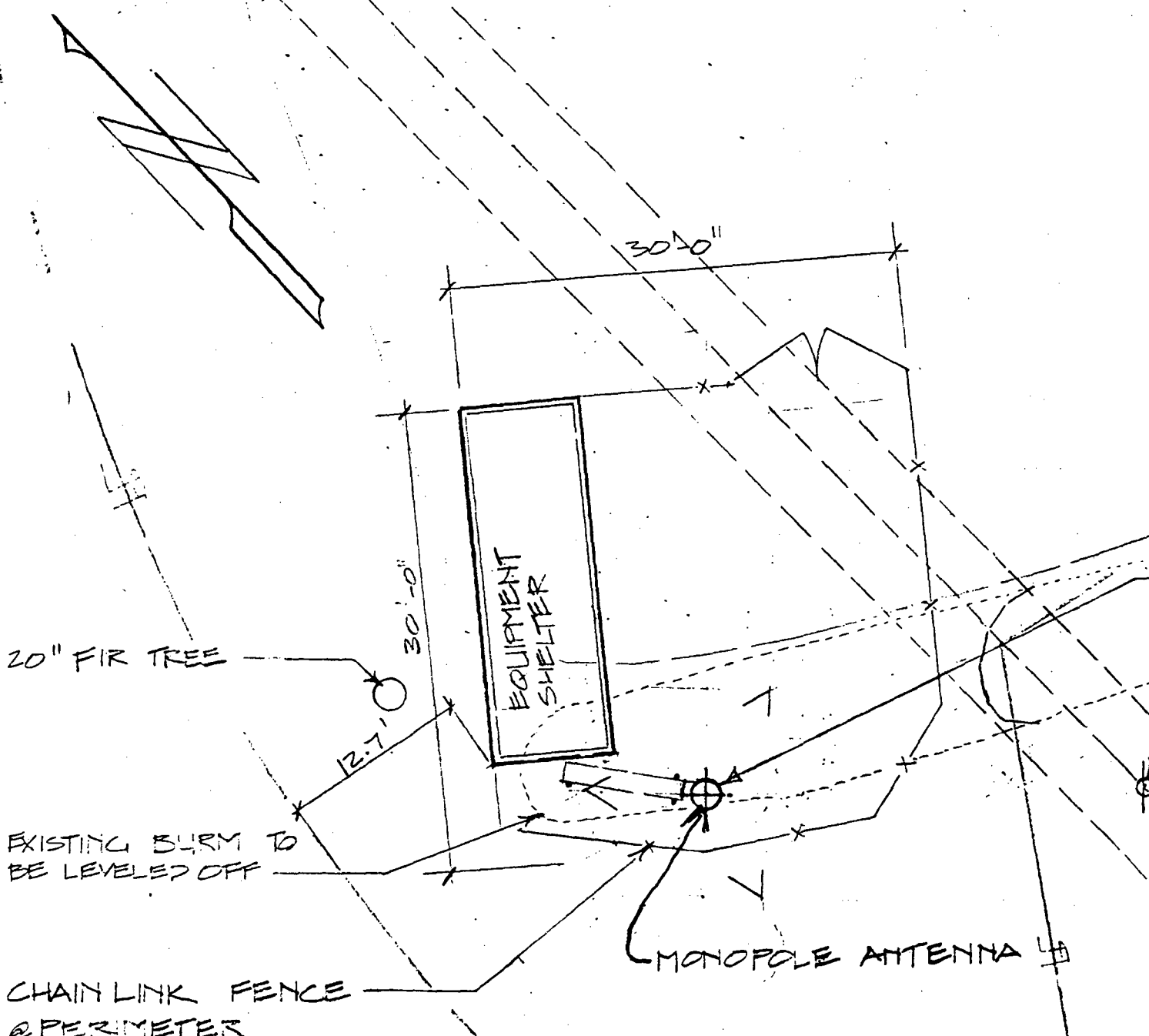




EAST ELEVATION

EXISTING INDOOR TENNIS COURTS

GRAVEL OVER FLOW



# SITE PLAN

CS 3-92/HV 2-92

2  
1

EXHIBIT 1c

### **Conditions:**

1. The applicant shall provide detailed development plans to Design Review for review and approval. Those plans shall include, in addition to those items required by MCC .7035(A)–(G), specifics of:
  - A. The materials and colors of the electronic building;
  - B. The provisions for maintenance of vegetative screening;
  - C. The details of erosion control for any excavation and grading; and
  - D. Fence materials and colors.
2. The applicant shall :
  - A. Record the letter of intent required in MCC .7035(D)(5) in Miscellaneous Deed Records of the Office of the County Recorder;
  - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant required under MCC .7035(B)(1) and (2);
  - C. Negotiate in good faith for shared use by third parties, and
  - D. Allow shared use where the third party seeing such use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference;
  - E. Comply with the requirement of (a) through (d) above and failure to do so shall be grounds for suspension or revocation of the Community Service designation.
3. Applicant to provide screening and buffering to Staff satisfaction for the proposed structure and monopole

Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

### **Applicant's Proposal:**

The applicant seeks approval of a Conditional Use in order to install a cellular telephone communications monopole with associated antennas, with variances for a five foot reduction of the required front yard south and an eight foot reduction of the side yard west, for an 8 foot by 24 foot one story electronics equipment building on the subject property.

The monopole will be self supporting and is 96 feet tall. The antennas will be mounted to the pole and to a triangular platform 10 feet on each leg mounted atop the pole. Total height, including the antennas, is 100 feet.

The antennas associated with this facility are as follows:

1. There will be three groups of four directional antennas. These antennas measure about 20" by 40" and are affixed to the triangular platform atop the pole.

2. There will be one point-to-point communication antenna. This will have a diameter of about 6 feet and is attached to the pole itself.
3. There will be 3 whip antennas. This type of antenna is approximately 3" in diameter and 4' in length.

These would be the maximum number of antennas utilized.

See Appendix Exhibits 1a, b&c for the vicinity map, site plan and elevation of the proposed tower. Appendix Exhibit 2 shows the applicant's test tower extended to the 100 foot height with respect to the existing racquet club building.

The applicant provides the following description of the proposal:

(Note: Throughout this report, material cited directly from the applicant's submittal will be presented in this type style.)

Cellular telephone communication is one of the most recent concepts in communication technology. The applicant, Cellular One, is one of the two licensees authorized by the FCC (Federal Communications Commission) to provide cellular telephone services in the Portland Metropolitan Area.

To provide this service, Cellular One's technicians have selected several sites in the metropolitan region for the placement of elevated antenna and related equipment. Each such location is called a CELL SITE.

Each of these cell sites is dependent on the other cell sites in the system with respect to height, terrain, distance from the other cell sites and a myriad of other highly technical factors.

The license the applicant has received from the FCC limits each of the cell sites to 100 Watts ERP (Effected Radiated Power) or less.

Cellular One's system operates on the 870 to 880 MHz (Megahertz) band. The equipment used by the applicant will generate 100 Watts ERP or less and, therefore, is in compliance with the FCC license requirements.

The area being leased by the applicant for the proposed cell site is a 30' by 30' space at the south-westerly corner of the Racquet Club property. The proposed cell site is west of the existing covered tennis court building and graveled over-flow parking area. The site plan submitted depicts the monopole and equipment building on this site. See Appendix Exhibits 1 a, b and c.

The electronics equipment building, which is a single story concrete structure, is placed in a north-south orientation to the west of the proposed monopole.

Access to the cell site will be via the internal roadway system of the Racquet Club.

An off-street parking area has also been provided. This space will be for the use of the company vehicle providing periodic maintenance. After the cell site is on line, this maintenance, based on a system wide average, will occur about twice a month.

No one is at the site on a daily basis as the equipment is operated by remote control from the applicant's main offices in downtown Portland.

**SITE DESCRIPTION:** The proposed cell site is located within the Racquet Club complex. The Club has facilities on either side of SW Highland Road comprised of indoor and outdoor tennis courts, a club house and several utility buildings and parking areas.

SW Canyon Road and Canyon Court abut the site on the south. There is no direct access to the Club complex from these roads.

**SURROUNDING AREA:** To the east of the proposed cell site is an indoor tennis building and overflow parking area of the Racquet Club. Beyond that is the main club house.

To the west is an undeveloped open area with steep terrain. West of that are single family homes facing SW Highland Parkway.

To the north are single family homes in the R-10 zone of The Highlands subdivision.

To the south are the SW Canyon Road and Canyon Court rights-of-way.

### **Approval Criteria:**

- I. A cellular telephone tower may be approved by the Planning Commission as a Community Service use if found to satisfy the following approval criteria:
  - (A) New transmission towers may be allowed in urban residential districts, based on findings by the approval authority that the following approval criteria are met.
    - (1) Shared use of existing towers – A new transmission tower shall not be permitted in an urban residential district unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower approved after August 19, 1982, can accommodate the applicant's proposed antenna/transmitter as described below.

*COMMENT:* In order to respond to this criteria, it is first necessary to discuss some of the aspects of cellular telephone technology.

The cell site is the basic building block of a cellular telephone system. When a particular cell site reaches its design capacity for handling telephone communications in an efficient manner, a new cell site needs to be established to relieve the overloading.

The solution to capacity problems is not to simply build a taller tower or increase the power output, but rather to reduce power or height at the existing cell site and create a new one.

The mature system operates most effectively utilizing low power outputs and antenna heights of 75 to 100 feet. Some of the applicant's facilities located at higher elevations have been, or shortly will be, taken off the air as they tend to interfere with the operation of other sites in the



system. An existing cell site on the KOIN facility is one such facility.

In addition to the capacity issue, terrain also creates reception problems. Additional cell sites must be located in those hard to service areas.

The applicant's engineers evaluate the problem areas (in this case an area extending from the tunnel for SW Canyon Road to the Sylvan area) and establish what is termed a "Search Circle" (a circle of approximately one mile radius for this problem area). A new cell site needs to be located within this area in order to eliminate the technical problems.

The applicant then contacted property owners in this area to see if a lease could be negotiated. Each proposed site was then field checked to it would work to solve the capacity and terrain problems.

The proposed facility is a combination of both of these factors.

There are no existing towers within the search circle that can be used by the applicant, nor are there any existing buildings, water towers or other structures tall enough to meet the desired height.

*Staff Comment:* There have been only three towers approved in the County since August 19, 1982. Those are located at 160 NW Miller Road, 17290 NW St. Helens Road, and 1468 NE Brower Road. None of those sites are within the applicant's one mile radius "search circle."

- (a) The applicant shall contact the owners of all existing or planned towers approved after August 19, 1982, of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
- (b) Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a hearing to include a response into the application when filed.
  - (i) Failure of a listed owner to respond shall not be relevant to the approval authority if a timely, good faith effort was made to obtain one. However, where an existing or planned tower approved after August 19, 1982, is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, the application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.
  - (ii) The Planning Director shall maintain and provide, on request, records of responses from each owner.
  - (iii) Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
- (c) The applicant shall request the following information from each owner contacted:
  - (i) Identification of the site by location, tax lot number, existing uses, and tower height.

- (ii) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna contained in the statement required in MCC .7035(F)(2)(e) through (l).
- (iii) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required
- (iv) If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- (v) If shared use is possible based on (iii) and (iv) above, the fee an owner of an existing tower would charge for such shared use.
- (d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
- (2) Shared use of existing tower sites – A new transmission tower shall not be approved on a lot in an urban residential district where no similar tower exists unless the applicant makes a good faith effort to substantially demonstrate that the proposed tower cannot be located on the site of an existing or planned tower approved after August 19, 1982, as described below.
  - (a) The applicant shall contact the owners of all existing or planned tower sites approved after the effective date of this ordinance, containing sufficient area to accommodate the proposed tower and support elements. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
  - (b) Such contact shall be timely, as describe in MCC .7035(B)(1)(b) above, and shall be considered, recorded, and reconsidered as described therein.
  - (c) The applicant shall request the following information from each owner contacted:
    - (i) Identification of the site by location, tax lot number, area, existing uses, and topographic, forest and other significant natural features.
    - (ii) Whether each such site could accommodate the tower proposed by the applicant without changing the existing or proposed structure. To enable the owner to respond, the applicant shall provide each owner with the dimensional characteristics of the proposed tower and other relevant data about the tower contained in the statement required by MCC .7035(D)(3).

(iii) Whether each such site could accommodate the tower proposed by the applicant if either or both the existing or proposed tower was structurally or otherwise changed. If changes due to structural or RF interference would be required, the owner shall specify in general terms what those changes are.

(iv) If shared use is possible based on (ii) and (iii) above, the fee an owner would charge for such shared use.

(d) Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The approval authority may consider expert testimony to determine whether the fee and costs are reasonable.

Exception – The provisions of subsections .7035(B)(1) and (2) shall not apply to any application approved by the Board on or before July 30, 1982.

COMMENT: For the same reasons cited in (1) above there are no existing antenna sites in the area at the elevation required by the applicant.

*Staff Comment:* The staff concurs. None of the approved towers are within the applicant's "search circle."

(3) Non-urban sites – The Planning Director shall consult with the Federal Aviation Administration, Federal Communications Commission, Oregon State Aeronautics Division, and Port of Portland to identify sites for towers in unincorporated Multnomah County outside the Urban Growth Boundary, which:

(a) Will contain sufficient area and be topographically capable of supporting major transmission towers in accordance with MCC .7035(B)(4),

(b) Will not create a hazard to aircraft, and

(c) Will provide substantially similar coverage for transmissions with currently available technology.

If such sites can be identified, no new transmission tower shall be permitted in any urban residential district until such non-urban sites are used to capacity.

COMMENT: The section of the Code is not applicable to this application.

*Staff Comment:* Staff concurs.

(4) Site size and tower setbacks.

(a) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting and urban residential district, public property, or public street. Such setback shall be sufficient to:

- (i) Provide for an adequate vegetative, topographic or other buffer, as provided in MCC .7035(B)(7) and (11),

COMMENT: Subsection (7) discusses visual impact. For towers of the height proposed the code suggests a galvanized or silver paint unless there are substantial stands of trees in which case the tower shall be painted green from the base to the tree line.

The applicant can work with the County during Design Review to select the most appropriate paint for the facility as both the pole and antenna can be painted any color without affecting the operation of the facility.

The FAA and Oregon Aeronautic Division are always contacted by the applicant when new tower sites are contemplated and are required to abide by any their lighting and color requirements.

Landscaping is discussed in Subsection (11). It requires landscaping at the perimeter of property which abut streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property.

The area to be leased by the applicant technically abuts a public street S.W. Canyon Court. The proposed cell site is actually 150 feet from the improved roadway.

The section does, however, allow the approval jurisdiction to require landscaping and the applicant will work with the County in the site design aspect of this application to install appropriate landscaping.

*Staff Comment:* A proposed condition of this approval is that Design Review approve the detailed construction and landscaping plans for compliance with all applicable standards.

- (ii) Preserve the privacy of adjoining residential property,

COMMENT: There are a substantial number of trees and open areas between the proposed cell site and any single family dwelling in the area. The nearest dwelling is 250 feet to the northwest fronting on SW Highland Park Way.

*Staff Comment:* Staff concurs.

- (iii) Protect adjoining property from the potential impact of tower failure and ice falling from the tower by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required in MCC .7035(D)(3)(d) and (e)., and

COMMENT: The applicant's monopole is designed to withstand sustained winds of over 100 miles per hour. See Appendix Exhibit 3, the manufacturers specs for the tower.

In addition, the height of the monopole, 96 feet, is less than the distance to any other residential building.

*Staff Comment:* The ability of the tower to sustain extreme winds has been certified by a

registered engineer. Also, the setbacks of the tower meet the 20 percent of tower height required by MCC .7035(B)(4)(b)(ii) since it is 20 feet from the nearest property. An engineer has certified that ice fall would be limited to within ten feet of the tower base; therefore, contained on site.

(iv) Protect the public from NIER in excess of the standard of MCC .7035(F)(1).

COMMENT: Multnomah County adopted what is considered by many to be a model ordinance dealing with radio and television towers and antennas. The ordinance lists the emission levels for the various uses and lists levels of concern of known health hazards.

These emissions are calculated in microwatts per centimeter squared ( $\mu\text{w}/\text{cm}^2$ ). Readings are taken at the lot line and at the closest residential use to determine compliance.

Appendix Exhibit 4 shows the calculations prepared by the applicant's engineers which establish the measurement at the nearest lot line to be  $1.553 \mu\text{w}/\text{cm}^2$  ( $0.001553 \text{ mw}/\text{cm}^2$ ) and is  $0.050 \mu\text{w}/\text{cm}^2$  ( $0.00005 \text{ mw}/\text{cm}^2$ ) at the closest dwelling, 250 feet to the northwest.

These readings are well below any levels of health concern as determined by the tables in the ordinance.

A table comparing cellular telephones to other everyday products is attached as Appendix Exhibit 5. This table demonstrates that cellular emissions are very low.

There is also no interference with other electronic equipment.

*Staff Comment:* MCC .7035(F)(1) allows a maximum equivalent plane-wave power density of between  $0.579 \text{ mW}/\text{cm}^2$  and  $0.595 \text{ mW}/\text{cm}^2$  for frequencies of 869 MHz–892 MHz. The engineer's certification equivalent plane-wave power densities of between ( $0.001553 \text{ mw}/\text{cm}^2$ ) and ( $0.00005 \text{ mw}/\text{cm}^2$ ) are well below those maximums. As Exhibit 5 indicates, that is 666 times less than that of a microwave oven.

(b) A site is presumed to be of sufficient size when it:

(i) Meets the requirements of (a) (iii) and (iv) above,

COMMENT: The proposed tower has been placed in the southwest corner of the subject property. In this location, it is farthest from any of the residential uses in the immediate area.

It should also be pointed out that the proposed use is over 100 feet from a traveled roadway. See again the discussion of SURROUNDING AREA above.

As stated the applicant's tower is designed to withstand sustained winds in excess of 100 miles per hour. See again Appendix Exhibit 3.

*Staff Comment:* An engineer has certified that all ice fall would be contained on-site and the

NIER standards have been certified as having been met.

- (ii) Provides a setback equal to 20 percent of the height of the tower to any property line abutting an urban residential district, public property, or public street, and

COMMENT: The proposed monopole is 96 feet in height. 20% of that height is 19.2' which, according to this section, is to be the setback.

The site plan indicates that the proposed tower is setback 22 feet from the abutting west-erly, or side, lot line and 20 feet from the southerly lot line or front yard south.

*Staff Comment:* Staff concurs.

MCC.7025(A) establishes the minimum yards for Community Service Uses. The applicable yards for the proposed use are:

Front	30 feet
Side	20 feet

See Variance section for additional discussion.

- (iii) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in an urban residential district nor a public property or a public street.

COMMENT: Adjoining property is in a residential district so this subsection is not applica-ble.

*Staff Comment:* Staff concurs.

- (c) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in MCC .7035(D)(3)(d) will not lead to multiple failures in the event that one fails.

COMMENT: This subsection is not applicable to this request.

*Staff Comment:* Staff concurs.

- (d) Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in MCC .7025.

COMMENT: The electronics equipment building is situated eight feet within the required 20 foot side yard requirement and encroaches five feet into the required 30' front yard south. Approval of a Variance is therefore required.

Justification for the Variance and the responses to the approval criteria are set forth in the

(5) Guy setback:

- (a) For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line abutting an urban residential district, public property or public street in addition to the size required to comply with (4) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.
- (b) A site is presumed to be of sufficient size when it provides:
  - (i) A setback of at least 25 feet between a guy anchor and any property line abutting an urban residential district or public property or street, and
  - (ii) A setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not a public property or street nor in an urban residential district.
- (c) A guy anchor may be located on an adjoining property when:
  - (i) The owner of the adjoining property on which it is to be placed authorizes it in writing, and
  - (ii) The guy anchor meets the requirements of (a) or (b) above as to all other adjoining property lines.
- (d) Guy anchors may be located within required landscape areas.

A guy from a tower which was previously approved under any ordinance may be extended to an adjacent site if the guy anchor will comply with (B)(5)(c) as determined by the Planning Director.

COMMENT: There are no guys associated with this proposal. The applicant's tower is a self-supporting monopole.

*Staff Comment:* Staff concurs.

- (6) Required sharing of new towers – All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:
  - (a) For television antenna towers, at least three high power television antennas and one microwave facility or two FM antennas, and at least one two-way radio antenna for every ten feet of the tower over 200 feet.

COMMENT: This subsection is not applicable to this request.

*Staff Comment:* Staff concurs.

- (b) For any other towers, at least one two-way radio antenna for every ten feet of the tower, or at least one two-way radio antenna for every 20 feet of the tower and at least one microwave facility.

*COMMENT:* The applicant is willing to negotiate with other potential uses regarding space on the monopole. There are structural limitations and frequency compatibilities that also need to be considered.

*Staff Comment:* Staff recommends a condition regarding required negotiation with potential sharers as required by (f) below.

- (c) Such other combination as found by the approval authority to provide the maximum possible number of foreseeable users.
  - (i) Such requirements may be reduced if the Federal Communications Commission provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future.
  - (ii) Such requirements may be reduced if the size of the tower required significantly exceeds the size of the existing towers in the area and would therefore create an unusually onerous, visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or site selection unless no other site is possible.

*Staff Comment:* This subsection allows the Planning Commission to impose sharing conditions, if applicable.

- (d) Once a new tower is approved, additional antennas and accessory uses to permitted antennas may be added to it in accordance with the approved sharing plan if the Planning Director finds that the standards of MCC .7035(B)(7) through (9),(12), (14) and (15) are met.
  - (i) A request for additional antennas or accessory uses shall be processed under MCC .7835 through .7845, provided the standards of MCC .7850 may only be applied in direct proportion to the extent of the proposed change.
  - (ii) If the proposed change results in an increase in the extent to which the existing use violates the setback and landscape standards of MCC .7035(B)(4)(b) through (d), (B)(5)(b) through (d), and (B)(11)(a), the application for approval shall be considered as an action proceeding by the approval authority, who may approve the change based on the applicable standard of MCC .7035(B)(4)(a), (B)(5)(a), and (B)(11)(a).

*Staff Comment:* This subsection allows the Planning Director to approve future shared use of approved towers.

- (e) The antennas sharing a tower will generally be arranged as follows, provided changes may be allowed by the approval authority when necessary to accommodate RF interference, topographic circumstances, or tower structure characteristics:



- (i) Towers in excess of 200 feet shall be guyed towers with one top-mounted high power television (HPTV) antenna and two side-mounted HPTV antennas. In the alternative, one HPTV antenna may be top-mounted, the second HPTV antenna located below it, and a third HPTV antenna side-mounted.
- (ii) No candelabra shall be permitted. No triangular platforms larger than 10 feet on a side shall be permitted. Triangular and T-bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

*Staff Comment:* This tower is proposed to have a triangular platform of 10 feet on each side.

- (iii) The required microwave facilities, FM antennas, and two-way radio antennas may be located anywhere on the tower above a height of eighty feet above grade, provided the other requirements of this section are met.

*Staff Comment:* This subsection places limitations on the types of structures allowed.

- (f) If a new tower is approved, the applicant shall be required as conditions of approval, to:
  - (i) Record the letter of intent required in MCC .7035(D)(5) in Miscellaneous Deed Records of the Office of the County Recorder,
  - (ii) Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant required under MCC .7035(B)(1) and (2),
  - (iii) Negotiate in good faith for shared use by third parties, and
  - (iv) Allow shared use where the third party seeing such use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference,
  - (v) Willful, knowing failure of an owner whose tower was approved after the effective date of this ordinance, to comply with the requirement of (i) through (iv) above shall be grounds for suspension or revocation of the Community Service designation. Following report of such failure, the Planning Director shall schedule a public hearing in the manner provided in MCC .8290 and .8295 to determine whether the CS designation should be suspended or revoked.

Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

*Staff Comment:* These conditions must be included in a decision to approve an application.

- (7) Visual impact – The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. Towers clustered at the same site shall be of similar height and

design, whenever possible. Towers shall be painted and lighted as follows:

- (a) Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.

*COMMENT:* As stated above, the monopole and antenna can be painted any color. The applicant will comply with the color decided during the design review process and/or by the FAA.

*Staff Comment:* Design Review would enforce the requirements of the Code and those of the FAA.

- (b) Towers more than 200 feet in height shall be painted in accordance with regulations of the Oregon State Aeronautics Division.

*COMMENT:* This section is not applicable to this request.

*Staff Comment:* Staff concurs.

- (c) Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.

*COMMENT:* The applicant's proposal will comply with this provision.

*Staff Comment:* Exhibit 6 from the FAA indicates that no lighting or marking of the tower is required. However, Exhibit 7 from the OSAD indicates that lighting and marking meeting FAA standards is required. The issue of which agency has priority will be determined during Design Review.

- (d) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

*COMMENT:* The applicant's proposal is for a self-supporting monopole. It is at a height which is the minimum necessary to satisfy the technical aspects of the proposal.

*Staff Comment:* Based on the engineering analysis, the staff concurs.

- (8) Maintenance impacts – Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

*COMMENT:* No one is at the site on a daily basis. The facility is operated by remote control from the

applicant's main offices in downtown Portland. Based on a system wide average, there will be two maintenance checks per month. A technician, using a panel type van, will be at the site for a few hours to perform routine maintenance on the equipment.

The proposed facility is similar to many others in the system. There have been no complaints filed with the applicant or with the FCC regarding interference with other electronic equipment. In addition, no noise complaints have been filed either.

Access to the facility will be through the Racquet Club parking lot which has access to a local service street.

*Staff Comment:* The applicant proposes a reasonable, minimal maintenance schedule. The site has no access to SW Canyon Court.

- (9) Parking – A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel.

COMMENT: The applicant has provided one parking space adjacent to the cell site. The other parking is available in the Racquet Club overflow parking area if needed. Historically, only one van is used by the maintenance technician during the periodic maintenance.

*Staff Comment:* This site requires no on-site personnel; the minimum number of parking spaces have been provided.

- (10) Vegetation – Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

COMMENT: The applicant has placed the proposed facility in a manner that preserves large trees existing in the area. Note site plan. Additional landscaping will be installed as determined appropriate during the design review process.

*Staff Comment:* Design Review will insure maximum retention of native vegetation.

- (11) Landscaping – Landscaping at the perimeter of the property which abuts streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property shall be required, as follows:

COMMENT: The applicant will utilize provisions of (c) of this subsection.

- (a) For towers 200 feet tall or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five feet apart. Materials should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the

guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

- (b) For towers more than 200 feet tall, a buffer area not less than 40 feet wide shall be provided at the property line with at least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within two years of planting; one row of deciduous trees, not less than 1 1/2 inch caliper measured three feet from the ground at the time of planting, and spaced not more than 20 feet apart; and at least one row of evergreen trees, not less than four feet at the time of planting, and spaced not more than 15 feet apart. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.
- (c) In lieu of these standards, the approval authority may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (a) and (b) above, except as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

*COMMENT:* The amount of native vegetation on the site and the height of the trees near the monopole site provide an excellent buffer for the proposed use. The facility will not be readily visible from existing roadways or residences.

The applicant is proposing therefore that no additional screening is necessary.

*Staff Comment:* The tower and small building would be well screened from surrounding properties by existing vegetation. Design Review should insure maintenance of that screening.

- (12) Accessory uses – Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function.

Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the approval authority not to create significant additional impacts nor to require construction of additional buildings or facilities exceeding 25 percent of the floor area of other permitted buildings.

*COMMENT:* The applicants' proposal includes only the monopole and a building to house the electronic equipment. No other uses of concern in this section will be involved at this site.

*Staff Comment:* The tower and small electronics building are the minimum needed for efficient operation of the proposed facility.

- (13) Comprehensive Plan – The proposed use shall comply with Policies No. 13 (Air and Water

Quality and Noise Level), No. 14 (Development Limitations), No. 16 (Natural Resources), No. 19 (Community Design), No. 31 (Community Facilities), and other plan policies identified as applicable by the approval authority.

COMMENT: Policy 13 – The proposed facility does not emit noxious materials into the air, does not have any affect on water quality, and is not a noise generator.

Policy 14 – There are no known development limitations on this site. The applicant will have a site analysis done prior to placement of the monopole and building to assure that there are no problems in developing the site.

This information will be submitted during the building permit process.

Policy 16 – There are no known natural resource areas involved in this proposal.

Policy 19 – The applicant's proposal has been designed to have minimal impact. The height of the monopole is the minimum required. The painting of the tower, absence of lights and landscaping will all serve to minimize potential conflicts in the location and development of this proposed use.

The applicant will also go through the Design Review process to ensure compliance with this policy.

Policy 31 – This proposed facility does not require water or sewer service. All needed utilities are available at the site.

No expenditure of public funds will be required.

*Staff Comment:* The applicant has demonstrated compliance with the applicable plan policies.

(14) Agency Coordination – The applicant shall provide the following information in writing from the appropriate responsible official:

- (a) A statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or a statement that no compliance with Part 77 is required.

COMMENT: Attached as Appendix Exhibit 6 is the FAA statement indicating that this facility does not require notice to the FAA nor does it require markings and lighting.

*Staff Comment:* This requirement has been satisfied.

- (b) A statement from the Oregon State Aeronautics Division that the application has been found to comply with the applicable regulations of the Division, or a statement that no such compliance is required.

COMMENT: Attached as Appendix Exhibit 7 is a letter from the Aeronautics Division. This letter states that the proposed monopole is to be marked and lighted.

The applicant will continue to work with this agency to determine if this requirement is neces-

sary in this particular location. As noted in Appendix Exhibit 6, the FAA indicates that no lighting is required.

The final color can be determined in design review after the difference between the two agencies is resolved.

*Staff Comment:* This requirement has been satisfied.

- (c) A statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

COMMENT: Attached as Appendix Exhibit 8 is a copy of a portion of the applicant's FCC license which authorizes the applicant to provide cellular telephone services in the Portland-Vancouver area.

*Staff Comment:* This requirement has been satisfied.

- (d) The statements in (a) through (c) may be waived when the applicant demonstrates that a good faith, timely effort was made to obtain such responses but that no such response was forthcoming, provided the applicant conveys any response received; and further provided any subsequent response that is received is conveyed to the approval authority as soon as possible.

*Staff Comment:* This requirement is inapplicable.

- (15) Emission of non-ionizing electromagnetic radiation. The NIER requirements of (F) are met.)

COMMENT: Appendix Exhibit 4 demonstrates compliance with the NIER standards.

*Staff Comment:* Staff concurs. See discussion in subsection (A)(4)(a)(iv) above.

## II. Variance Consideration

The applicant is seeking approval of variances to reduce the required front yard south from the required 30 feet to 25 feet and to reduce the side yard west from 20 feet to 12 feet in order to allow for the placement of the equipment building as shown on the site plan. See Appendix Exhibit 9. One of the requested variances does not exceed 25% of the dimensional standard of the Code and could be treated as a Minor Variance.

The applicant, however, elects to include consideration of both of the variances for reduction of the required yards as part of the Conditional Use proceedings rather than to be considered separately as allowed by the Zoning Code.

Following is a listing of the approval criteria for a Major Variance and the applicant's responses thereto.

- (1) A circumstance or condition applies to the property or intended use that does not generally apply to other property in the same vicinity or district. The circumstances may relate to size, shape, topography of the property or location or the size of the physical improvements on the site or nature of the use as compared to surrounding uses.

*COMMENT:* The applicant has selected a location on the Racquet Club property for the proposed cell site that is as far away from other uses as possible. In order to accomplish this, and recognizing the terrain in the area, it is necessary to place the structures on the site as shown on the site plan. The existing vegetation and remote placement of the cell site will adequately protect the surrounding residential areas from visual impacts.

The purpose of setbacks as stated in the Code and the reason for them will still be preserved even though the actual distances to the lot lines are less than Code minimums.

This section of Highway 26 has a heavy traffic load and a high accident rate. See Appendix Exhibit 10. There are no public phones available along this section of the highway between the tunnel and the Sylvan exit. Good cellular telephone communication would reduce emergency response times at accident scenes.

*Staff Comment:* The variance is necessitated by the irregular shape of the dedication for SW Canyon Court. The building will actually be in excess of 50 feet from the street improvement. Information from Roger Jarmer of the Oregon Department of Transportation indicates that future improvements will be no closer to the property than what currently exists.

The property immediately to the west is a 5.94 acre parcel within the City of Portland. It is steeply sloped and heavily vegetated with large fir trees. Design Review should insure that the materials and color of the building blend with surrounding vegetation.

- (2) The zoning requirement would restrict the use of the property to a greater degree than it restricts other properties in the vicinity or district.

*COMMENT:* By setting the building back from the lot lines as set forth in the Code would encroach into the overflow parking area of the Racquet Club required by prior Community Service approvals.

The applicant only needs a 30 foot by 30 foot parcel for installation of the cell site.

It is the irregular shape of the south lot line, plus the definition of front yard, that results in the lot having two front yards; thus creating the need for a variance.

*Staff Comment:* The building location satisfies the side yard setback requirements of surrounding properties. The five foot front yard reduction is from a property line that functions as a side yard, but by definition a yard fronting on a right-of-way that will never be improved to the property line.

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

COMMENT: As stated above, the existing vegetation and remote placement of the cell site will adequately protect the surrounding residential areas from visual impacts.

*Staff Comment:* The public welfare will be positively served by the provision of mobile phone service in an area currently void of that service. The small 192 square foot building will have no impact on the development potential of surrounding properties.

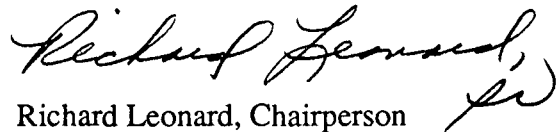
- (4) The granting of the variance will not adversely affect the realization of the comprehensive plan nor will it establish a use which is not listed in the underlying zone.

COMMENT: Approval of the variance will not curtail the use of other properties from developing with uses permitted in the R-10 zone nor will it allow a use not contemplated by the zone.

*Staff Comment:* The building location will not affect the development potential of surrounding property. The proposed use is a listed Community Service Use in the R-10 district.

Conclusions:

February 3, 1992

  
Richard Leonard, Chairperson

Filed with Clerk of the Board on February 13, 1992

### **Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. Monday, February 24, 1992 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

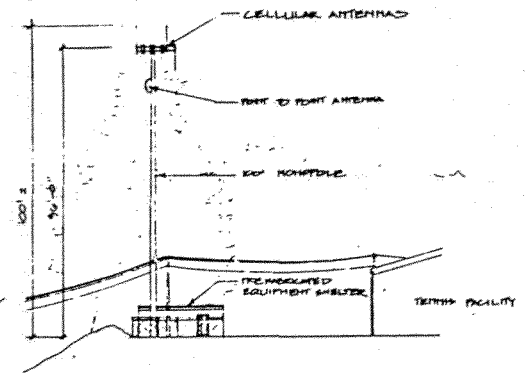
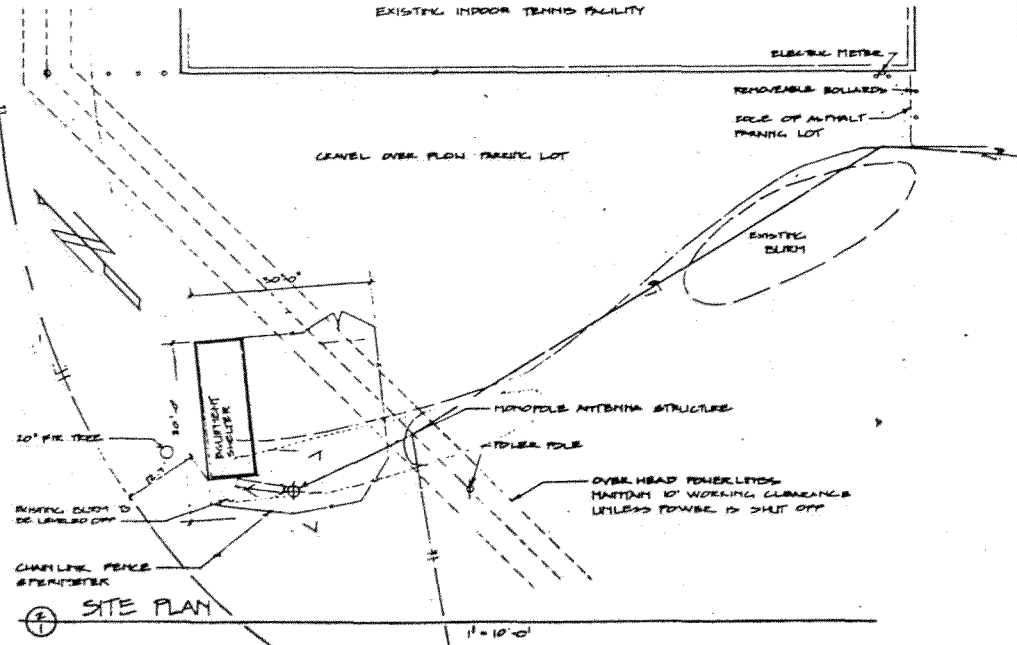
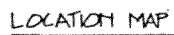
*The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, February 25, 1992 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.*

**Decision**

**February 3, 1992**



# **APPENDIX**

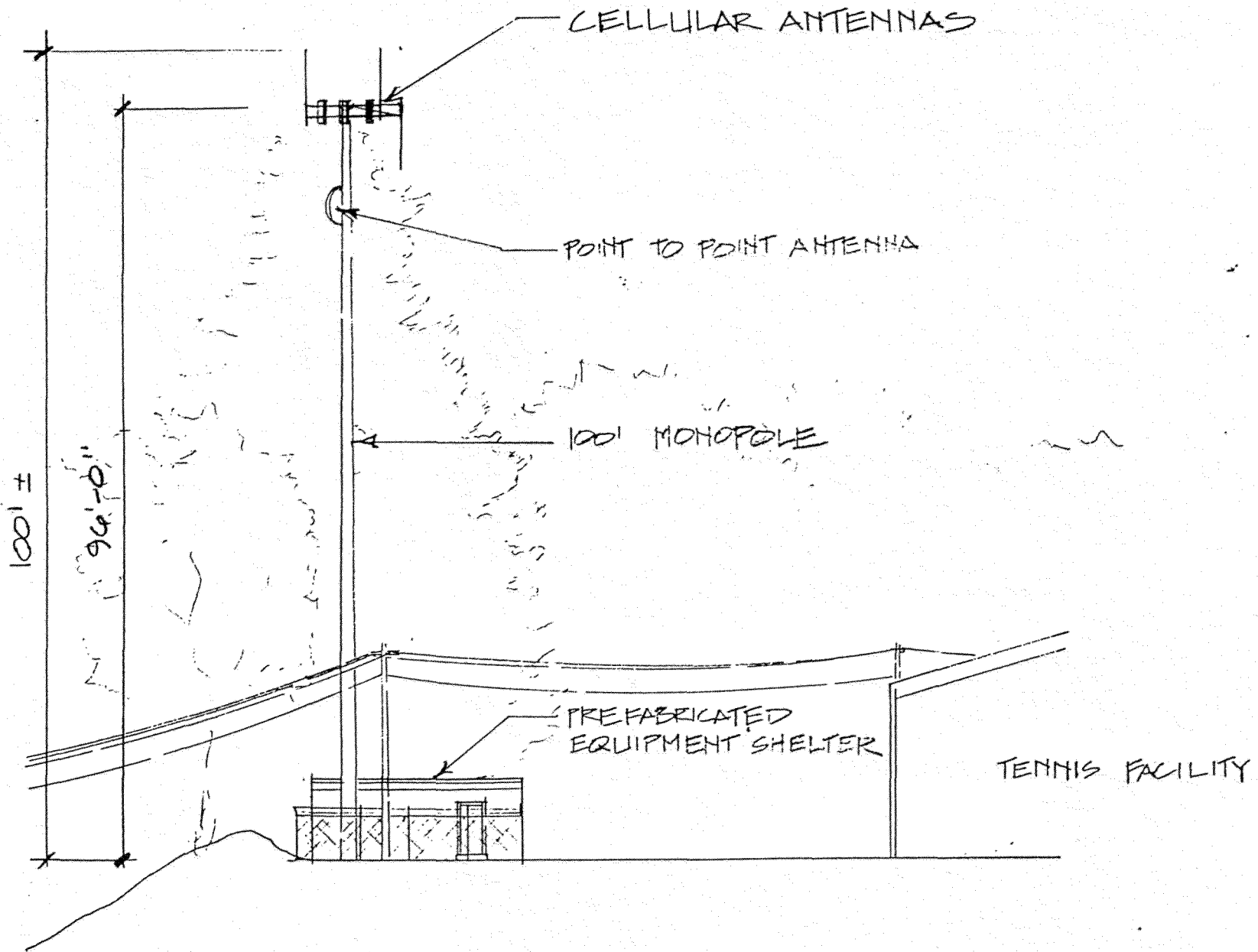


EAST ELEVATION

CS 3-92/HV 2-92

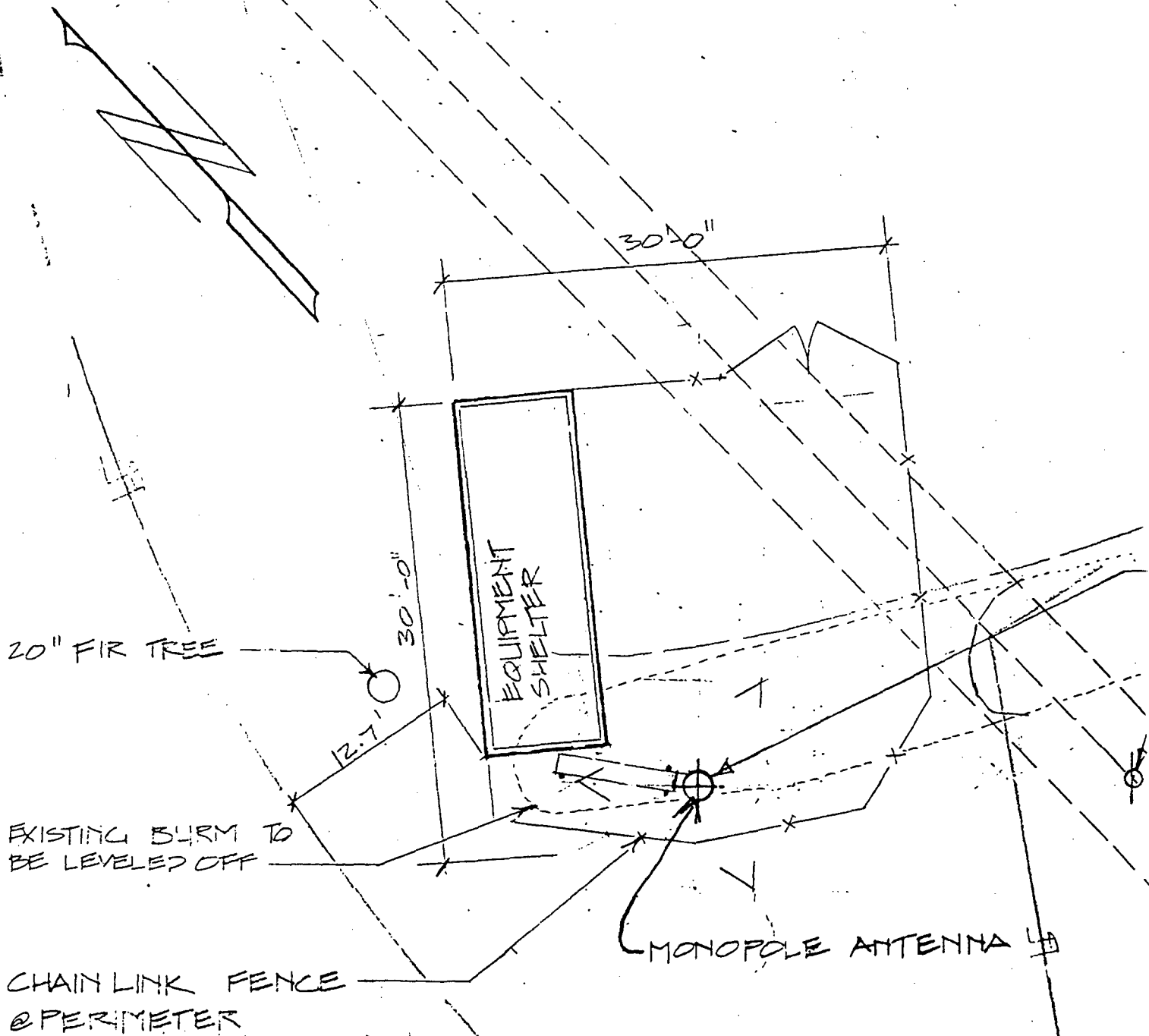
HIGHWAY 26 CELL SITE  
CELLULAR ONE COMMUNICATIONS  
HIGHLAND AVE. PORTLAND OR

Date	07-01
Route	AS GROWN
Brand	DAF
Lot	0144
Sheet	9
Of	Sheet



EAST ELEVATION

GRAVEL OVER FLOW



SITE PLAN

CS 3-92/HV 2-92

EXHIBIT 1c



# WOOD POLE SPREAD SHEET

## WATER TABLE BELOW BOTTOM OF POLE EMBEDMENT

70B=P<sub>1</sub>; 70C=P<sub>1</sub>; 80B=P<sub>2</sub>; 80C=P<sub>2</sub>; 90B=P<sub>3</sub>; 90C=P<sub>3</sub>; 100B=P<sub>4</sub>; 100C=P<sub>4</sub>; 110B=P<sub>5</sub>; 110C=P<sub>5</sub>; 120B=P<sub>6</sub>; 120C=P<sub>6</sub>

LOAD	ZONE	WIND	DIA.	AREA	AREA	FORCE	HEIGHT	Net
ZONE	ELEV.	PRESSURE	AVE.	ZONE	ACC.	(LBS)	(FT.)	(K-FT)
1	20.00	19.04	20.45	34.08		648.95	12.00	7.79
2	40.00	20.63	18.59	30.98		638.91	32.00	20.45
3	60.00	23.80	18.71	27.85		662.63	52.00	34.47
4	100.00	25.39	18.71	32.70		1414.04	62.00	115.95
5	0.00	25.39	12.00	0.00		0.00	52.00	0.00
ACC	100.00	25.39			11.00	277.25	100.00	37.97

TOTALS ----- 3543.58 ----- 206.58  
Y = 50.69

POLE	SECTION	F <sub>D</sub>	ALLOWABLE BENDING STRESS
DIA.	(IN.)	(PSI)	PER UBC TABLE 23-E:
12.00	159.25	*****	WOOD FIR = 2450 PSI * 1.33 / 1.3 = 2500
14.00	269.39	9201.87	(table value is for poles in clusters
16.00	402.12	6164.54	individual pole bending allowable to
18.00	572.56	4329.35	be divided by 1.3)
19.00	673.38	3681.29	
20.00	785.40	3126.24	
21.00	909.20	2724.48	
22.00	1045.37	2371.33	
23.00	1194.50	2075.26	
24.00	1357.17	1826.53	
26.00	1725.52	1436.61	
28.00	2155.14	1150.23	

SPREAD SHEET FOR CANTILEVERED POLES OUT OF GROUND  
UBC FORMULA 2307 (g) 2. A. NONCONSTRAINED

$I = (A/2) * (1 + (1 + (4.48H/A)) / 2)$  (fill in PILEUBC)

D=DEPTH OF EMBEDMENT

$A = (2.34 * F) / (S * (D \text{ est.} / 3) * B * 2)$

F = APPLIED FORCE IN POUNDS

S = ALLOWABLE LAT. SOIL BEARING PRESSURE TABLE 23-B: 75 L.F.A.

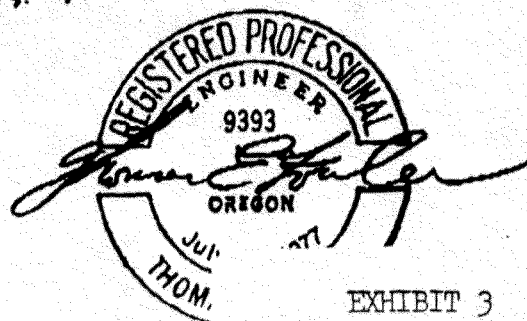
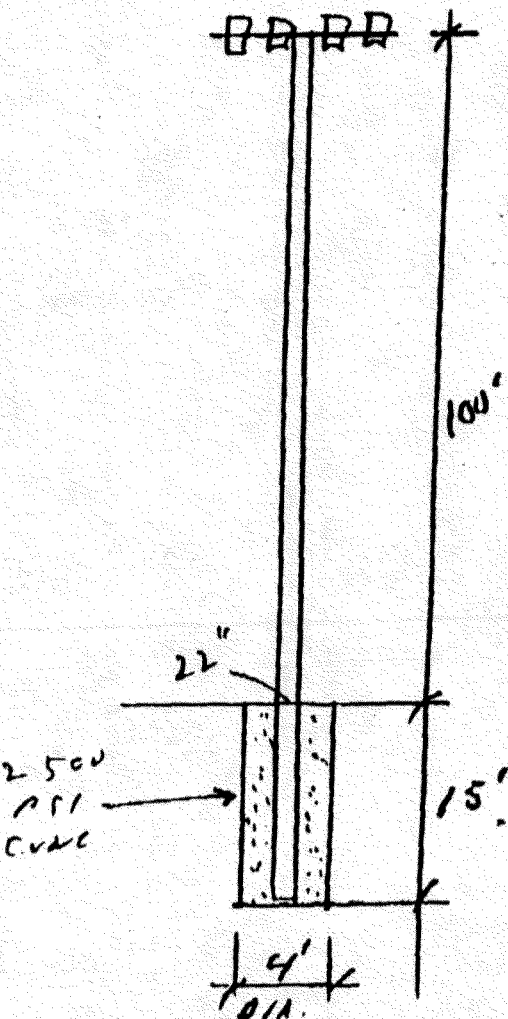
B = DIA OF ROUND POST OR DIAG. OF SQUARE

H = DIST. ABOVE GROUND SURFACE TO POINT OF "F"

WIND	F	S	B	A	H	I	D est.	Net
EXP.								
80-C	3643.98	75.00	4.00	2.27	55.69	14.64	14.63	206.58
80-C	3643.98	75.00	5.00	2.48	55.69	11.63	12.75	206.58
90-C	3643.98	75.00	6.00	2.22	55.69	12.66	12.63	206.58

VOL.  
180.5 FT  
270.0 FT  
363.1 FT

✓ SC 4'φ x 15' O.C.



# RACQUETBALL COURT CELL SITE

## Radio Frequency Power Density for Sector Cell

24-Oct-91

Height Rad Center: 100 feet      ERP/Channel: 50  
 Measurement Ht: 10 feet      Total ERP (Watts): 1000

Distance From Tower (Feet)	Angle Below Horizon (degrees)	Antenna Vertical Pattern (dB)	Distance From Antenna (Feet)	10 Channels Power Density (uW/cm <sup>2</sup> )	20 Channels Power Density (uW/cm <sup>2</sup> )	5 Evening Hours Power Density (8PM - 6AM) (uW/cm <sup>2</sup> )	
0	90.0	-14.0	90.0	0.570	1.087	0.311	
10	83.7	-12.4	90.6	0.813	1.553	0.444	<i>Closest</i>
20	77.5	-11.0	92.2	1.083	2.068	0.591	<i>Lot Lin.</i>
30	71.6	-10.1	94.9	1.258	2.402	0.686	
40	66.0	-9.8	98.5	1.251	2.388	0.682	
50	60.9	-9.6	103.0	1.199	2.289	0.654	
60	56.3	-9.1	108.2	1.219	2.326	0.665	
70	52.1	-8.6	114.0	1.231	2.349	0.671	
80	48.4	-8.0	120.4	1.267	2.418	0.691	
90	45.0	-8.0	127.3	1.134	2.165	0.618	
100	42.0	-8.2	134.5	0.969	1.850	0.529	
110	39.3	-8.4	142.1	0.829	1.583	0.452	
120	36.9	-9.1	150.0	0.634	1.210	0.346	
130	34.7	-9.7	158.1	0.497	0.948	0.271	
140	32.7	-10.4	166.4	0.382	0.728	0.208	
150	31.0	-11.2	174.9	0.287	0.548	0.157	
160	29.4	-12.6	183.6	0.189	0.361	0.103	
170	27.9	-15.3	192.4	0.092	0.176	0.050	
180	26.6	-16.6	201.2	0.063	0.120	0.034	
190	25.3	-18.0	210.2	0.042	0.079	0.023	
200	24.2	-18.4	219.3	0.035	0.066	0.019	
210	23.2	-18.9	228.5	0.029	0.055	0.016	
220	22.2	-19.2	237.7	0.025	0.047	0.013	
230	21.4	-19.6	247.0	0.021	0.040	0.011	
240	20.6	-20.0	256.3	0.018	0.034	0.010	
250	19.8	-18.0	265.7	0.026	0.050	0.014	<i>NEAREST Dwelling</i>
260	19.1	-18.0	275.1	0.024	0.046	0.013	
270	18.4	-15.0	284.6	0.045	0.086	0.025	
280	17.8	-12.0	294.1	0.085	0.161	0.046	
290	17.2	-12.0	303.6	0.079	0.151	0.043	
300	16.7	-10.0	313.2	0.118	0.226	0.064	
320	15.7	-8.5	332.4	0.148	0.283	0.081	
340	14.8	-6.7	351.7	0.200	0.382	0.109	
360	14.0	-6.7	371.1	0.180	0.344	0.098	
380	13.3	-5.4	390.5	0.219	0.418	0.120	
400	12.7	-4.3	410.0	0.256	0.489	0.140	
450	11.3	-3.6	458.9	0.240	0.459	0.131	
500	10.2	-3.0	508.0	0.225	0.430	0.123	
600	8.5	-1.9	606.7	0.203	0.388	0.111	
700	7.3	-1.2	705.8	0.176	0.337	0.096	
800	6.4	-0.8	805.0	0.149	0.284	0.081	
900	5.7	-0.7	904.5	0.121	0.230	0.066	
1000	5.1	-0.6	1004.0	0.100	0.191	0.055	
1500	3.4	-0.2	1502.7	0.049	0.094	0.027	
2000	2.6	-0.1	2002.0	0.028	0.054	0.015	
2500	2.1	-0.1	2501.6	0.018	0.035	0.010	
3000	1.7	0.0	3001.3	0.013	0.025	0.007	

# Radio Frequency Power Density Comparisons

CB Mobile Radio	16 uw/cm <sup>2</sup>
3 Watts Output	
Antenna 4 feet away ,	
27 Mhz	
Cordless Telephone	34 uw/cm <sup>2</sup>
0.1 Watt Output	
Antenna 6 inches away	
49 Mhz	
CB Portable Radio	343 uw/cm <sup>2</sup>
1 Watt Output	
Antenna 6 inches away	
27 Mhz	
Microwave Oven	1000 uw/cm <sup>2</sup> (when new)
650 Watts Output	8000 uw/cm <sup>2</sup> (over its
2 Inches from Cabinet	life)

## ANSI \* STANDARD

Freq, Mhz	Pwr Density	
*****	(uw/cm <sup>2</sup> )	
*****	*****	
0.3	100000	
3	100000	
10	9000	
30	1000	
300	1000	
800	1667	
<u>869</u>	<u>2897</u>	(Cellular
<u>892</u>	<u>2973</u>	Frequencies)
1000	3333	
1500	8000	
100000	8000	

\*American National Standards Institute





U.S. Department of Transportation  
Federal Aviation Administration

# NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

Aerological Study Number  
-ANN-0875-0E

<b>1. Nature of Proposal</b> <table style="width:100%;"> <tr> <td style="width:33%; vertical-align: top;"> <b>A. Type</b>  <input checked="" type="checkbox"/> New Construction  <input type="checkbox"/> Alteration             </td> <td style="width:33%; vertical-align: top;"> <b>B. Class</b>  <input checked="" type="checkbox"/> Permanent  <input type="checkbox"/> Temporary (Duration _____ months)             </td> <td style="width:33%; vertical-align: top;"> <b>C. Work Schedule Dates</b>                  Beginning <u>12/30/91</u>                  End <u>01/22/92</u> </td> </tr> </table>			<b>A. Type</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	<b>B. Class</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning <u>12/30/91</u> End <u>01/22/92</u>	<b>2. Complete Description of Structure</b> A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.  B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.  C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.  A. Cellular Band 869 - 892 MHz, 50 watts ERP per channel.   B. Power and telephone poles in immediate vicinity (within 100' radius) with elevations of 85 feet.  C. A 95 foot pole will be used to support antennas. Top of structure will not exceed 100 feet above ground elevation.  <i>(If more space is required, continue on a separate sheet.)</i>											
<b>A. Type</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	<b>B. Class</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning <u>12/30/91</u> End <u>01/22/92</u>															
<b>3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration.</b> (Number, Street, City, State and Zip Code) ( 503 ) 720-0001 area code Telephone Number  <div style="border: 1px solid black; padding: 5px; margin: 5px;">                     Kenneth J. Seymour; Senior R.F. Engineer                      McCaw Communications of the Midsouth Inc.                      409 S.W. 9th Ave.                      Portland, OR 97205                 </div>			<b>5. Height and Elevation (Complete to the nearest foot)</b> <table style="width:100%;"> <tr> <td style="width:80%;">A. Elevation of site above mean sea level</td> <td style="width:20%;">670</td> </tr> <tr> <td>B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated</td> <td>100</td> </tr> <tr> <td>C. Overall height above mean sea level (A + B)</td> <td>770</td> </tr> </table>			A. Elevation of site above mean sea level	670	B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated	100	C. Overall height above mean sea level (A + B)	770						
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<b>3B. Name, address and telephone number of proponent's representative if different than 3 above.</b> Ken Seymour; Senior R.F. Engineer McCaw Communications of the Midsouth Inc. 409 S.W. 9th Ave. Portland, OR 97205 (503) 720-0001			<b>4. Location of Structure</b> <table style="width:100%;"> <tr> <td style="width:15%;">A. Coordinates (To nearest second)</td> <td style="width:25%;">B. Nearest City or Town, and State</td> <td style="width:60%;">C. Name of nearest airport, heliport, flightpark, or seaplane base PDX</td> </tr> <tr> <td>45° 30' 33" Latitude</td> <td>West Slope, OR</td> <td>(1) Distance to AB 1 Miles Miles</td> </tr> <tr> <td>122° 43' 16" Longitude</td> <td>(2) Direction to AB 251 Deg.</td> <td>(1) Distance from structure to nearest point of nearest runway 7.1323 nm.</td> </tr> <tr> <td></td> <td></td> <td>(2) Direction from structure to airport 47.567 Degrees</td> </tr> </table>			A. Coordinates (To nearest second)	B. Nearest City or Town, and State	C. Name of nearest airport, heliport, flightpark, or seaplane base PDX	45° 30' 33" Latitude	West Slope, OR	(1) Distance to AB 1 Miles Miles	122° 43' 16" Longitude	(2) Direction to AB 251 Deg.	(1) Distance from structure to nearest point of nearest runway 7.1323 nm.			(2) Direction from structure to airport 47.567 Degrees
A. Coordinates (To nearest second)	B. Nearest City or Town, and State	C. Name of nearest airport, heliport, flightpark, or seaplane base PDX															
45° 30' 33" Latitude	West Slope, OR	(1) Distance to AB 1 Miles Miles															
122° 43' 16" Longitude	(2) Direction to AB 251 Deg.	(1) Distance from structure to nearest point of nearest runway 7.1323 nm.															
		(2) Direction from structure to airport 47.567 Degrees															
<b>D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (If more space is required, continue on a separate sheet of paper and attach to this notice.)</b> Structure is to be located within a cluster of large fir trees (within 50 foot radius). Older growth trees range in elevation from 85 feet to the south, 110+ feet to the north. A topographical map is included indicating the location of the proposed structure (Portland 7 1/2 minute scale).																	
<p><small>Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).</small></p> <p><b>I HEREBY CERTIFY</b> that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking &amp; lighting standards if necessary.</p> <table style="width:100%;"> <tr> <td style="width:15%;">Date</td> <td style="width:45%;">Typed Name/Title of Person Filing Notice</td> <td style="width:40%;">Signature</td> </tr> <tr> <td>11/06/91</td> <td>Ken Seymour; Sr. R.F. Engineer</td> <td><i>Ken Seymour</i></td> </tr> </table>						Date	Typed Name/Title of Person Filing Notice	Signature	11/06/91	Ken Seymour; Sr. R.F. Engineer	<i>Ken Seymour</i>						
Date	Typed Name/Title of Person Filing Notice	Signature															
11/06/91	Ken Seymour; Sr. R.F. Engineer	<i>Ken Seymour</i>															
<b>FOR FAA USE ONLY</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>The Proposal:</b></p> <p><input checked="" type="checkbox"/> Does not require a notice to FAA.</p> <p><input type="checkbox"/> Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C and would not be a hazard to air navigation.</p> <p><input type="checkbox"/> Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation.</p> <p><input type="checkbox"/> Should be obstruction <input type="checkbox"/> marked, <input type="checkbox"/> lighted per FAA Advisory Circular 70/7460-1, Chapter (s) _____</p> <p><input checked="" type="checkbox"/> Obstruction marking and lighting are not necessary.</p> <p>Remarks:</p> </div> <div style="width: 50%;"> <p style="text-align: right;"><i>FAA will either return this form or issue a separate acknowledgement</i></p> <p>Supplemental Notice of Construction FAA Form 7460-2 is required any time the project is abandoned or</p> <p><input type="checkbox"/> At least 48 hours before the start of construction</p> <p><input type="checkbox"/> Within five days after the construction reaches its greatest height.</p> <p>This determination expires on <u>1/1/92</u> unless:</p> <p>(a) extended, revised or terminated by the issuing office;</p> <p>(b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.</p> <p><b>NOTE:</b> Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.</p> <p>If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.</p> </div> </div>																	
Issued In <i>Seattle, WA.</i>		Signature <i>Robert D. Y. Brown</i>		Date <u>11-8-91</u>													

RECEIVED  
11/14/91

November 26, 1991

Kenneth Seymour  
Senior RF Engineer  
McCaw Communications of the Midsouth, Inc.  
409 SW 9th Ave.  
Portland, OR 97205

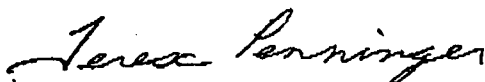
Regarding: Proposed Construction (91-ANM-0875-OE)

Dear Sir:

The Oregon Aeronautics Division has reviewed your application for construction of a 100 foot tower located near West Slope, Oregon. The proposed location is in the vicinity of numerous heliports and is located along a main east - west corridor used by helicopters flying in and out of the Portland Metropolitan area.

In accordance with OAR 738-70, the Oregon Aeronautics Division is requiring that the structure be marked and lighted. The type and quantity of marking and lighting shall be made in accordance with FAA Advisory Circular 70/7460-1H.

Sincerely,



Teresa Penninger  
Aviation Planner

tp

cc: FAA - Northwest Mountain Region



3040 25th Street SE  
Salem, OR 97310-0100  
(503) 378-4880  
FAX (503) 373-1688  
Toll-free 1-800-574-0102

EXHIBIT 7

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
**RADIO STATION AUTHORIZATION**

MOBILE RADIO AUTHORIZATION  
FCC FORM 463

COMMON CARRIER  
DOMESTIC PUBLIC CELLULAR RADIO  
TELECOMMUNICATIONS SERVICE

INTERSTATE MOBILEPHONE COMPANY  
1250 CONNECTICUT AVE. NW, SUITE 401  
WASHINGTON, DISTRICT OF COLUMBIA 20036

CALL SIGN: KNKA265  
SYSTEM IDENTIFICATION NUMBER 0061  
FILE NO: 00852-CL-L-91  
MARKET: 0030 A-1 PORTLAND, OREGON/WASHINGTON

PAGE 01 OF 07

OPERATOR: DC

ORIGINAL GRANT DATE: AUGUST 9, 1985  
DATE OF ISSUE: AUGUST 30, 1991  
EXPIRATION DATE: OCTOBER 1, 1994

ALL PREVIOUSLY ISSUED AUTHORIZATIONS ARE VOID

MOBILE UNITS PRESENTLY AUTHORIZED: 100000  
AUTHORIZATION IS GRANTED FOR BLOCK A -  
BASE: 869.040 THROUGH 879.990 MHZ AND 890.010 THROUGH 891.480 MHZ  
MOBILE: 824.040 THROUGH 834.990 MHZ AND 845.010 THROUGH 846.480 MHZ

CONTROL POINT NO. 001 9TH & STARK STREETS  
PORTLAND OREGON

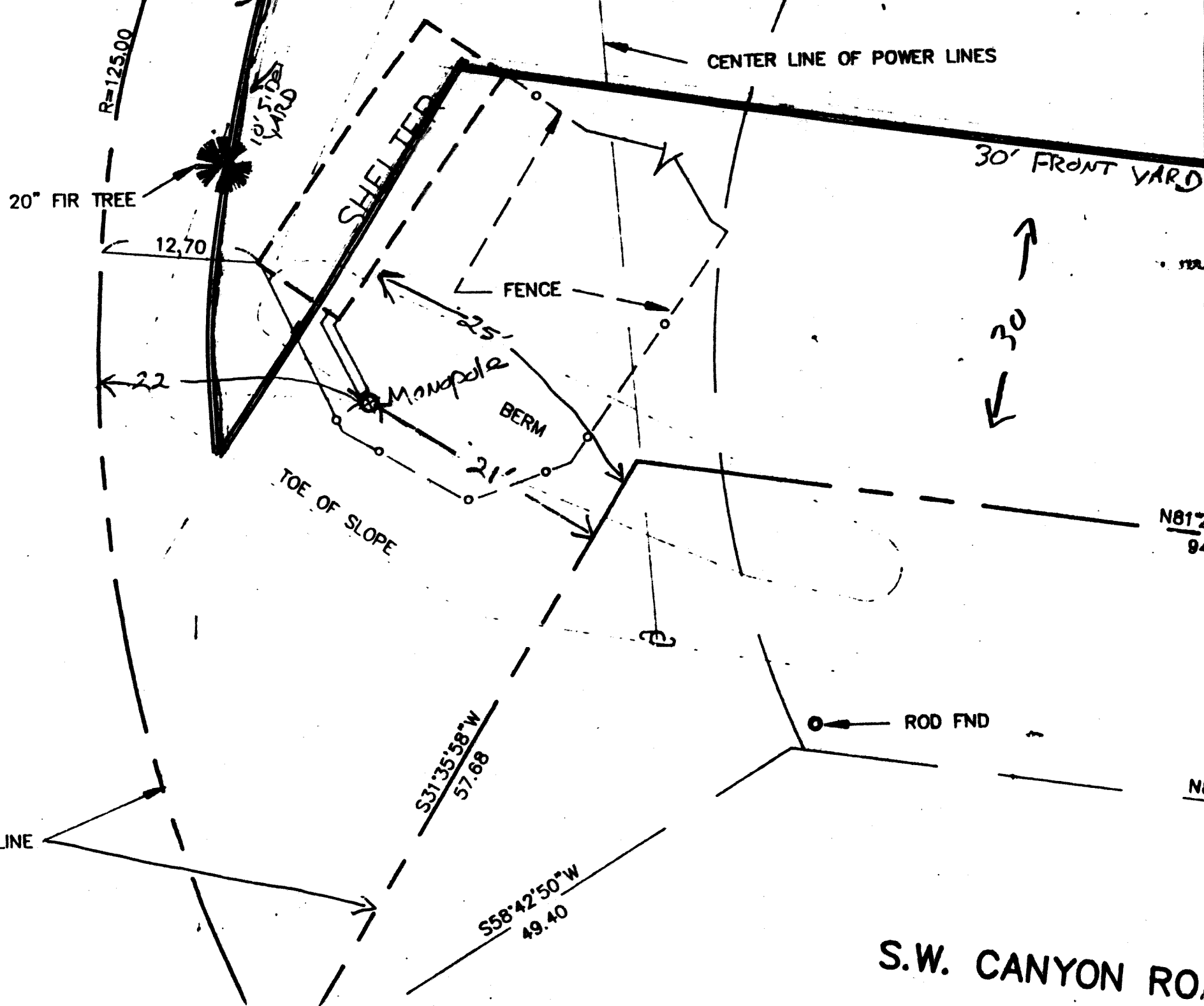
LOCATION NO. 001: LATITUDE: 45 46 23 N LONGITUDE: 122 41 30 W  
2109 N.W. 219TH  
CITY: RIDGEFIELD COUNTY: CLARK  
STATE: WASHINGTON  
ANTENNA MARKINGS: NONE

LOCATION NO. 003: LATITUDE: 45 27 08 N LONGITUDE: 122 32 49 W  
MT. SCOTT, 1.3 MI. E OF RT. 99, 1.1 MI. SE OF  
CITY: PORTLAND COUNTY: CLACKAMAS  
STATE: OREGON  
ANTENNA MARKINGS: NONE

EXHIBIT 8

FEDERAL  
COMMUNICATIONS  
COMMISSION





10/24/91

C 1  
OREGON STATE HIGHWAY DIVISION - PLANNING SECTION  
ACCIDENT SUMMARIES BY YEAR  
PORTLAND  
HIGHWAY 47, SUNSET HWY

PAGE 1

MULTNOMAH

MP 71.50 TO 73.40

01/01/90 TO 06/30/91

YEAR	COLLISION TYPE	FATAL ACDTS	NON- FATAL ACDTS	PROPERTY DAMAGE ONLY	TOTAL ACDTS	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	OFF- ROAD
1990	REAR-END		34	25	59		43	1	35	24	34	25	4	1
1990	SIDESWIPE-OVERTAKING		5	21	26		11	5	14	12	17	9	1	1
1990	NON-COLLISION			1	1				1			1		
1990	FIXED/OTHER OBJECT		2	8	10		2		3	7	9	1	2	4
1990	BACKING			2	2						2			
YEAR TOTAL			41	57	98		56	6	53	43	62	36	7	6
1991	REAR-END		14	12	26		16	1	22	4	19	7		1
1991	SIDESWIPE-OVERTAKING		2	7	9		2		6	3	8	1		1
1991	NON-COLLISION		1		1		1		1		1			
1991	FIXED/OTHER OBJECT		1	2	3		1	1	1	2	2	1		1
1991	MISCELLANEOUS			2	2				2		2			
YEAR TOTAL			18	23	41		20	2	32	9	32	9		3
FINAL TOTALS			59	80	139		76	8	85	52	94	45	7	9

REPORT EZSUMS1



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

NOTICE OF REVIEW

2-25-92  
Planning  
p-4

1. Name: MADDEN, MARK & DEBRA

2. Address: c/o FREDERIC CANN, 1230 SW FIRST #300  
Last Middle First  
Street or Box PORTLAND, City OR 97204 State and Zip Code

3. Telephone: (503) 227-3712

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

MARK AND DEBRA MADDEN  
40 204 KOIN TOWER  
222 SW COLUMBIA  
PORTLAND OR

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

SEE ATTACHED CS 3-92 HV 2-92 #139  
COMMUNITY SERVICE EXPANSION ETC

6. The decision was announced by the Planning Commission on 2/3, 1992

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

SEE ATTACHED PAGE 1 LINES 15-19

6:30-8:30  
CS 3-92  
HV 2-92  
ding fee  
\$300  
Plus \$3.50 per  
transcript  
120 minutes  
total  
transcript  
720.00  
please  
return  
form to  
his office

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

SEE ATTACHED LINES 20 PAGE 1 LINES  
20 - PAGE 6 LINE 24

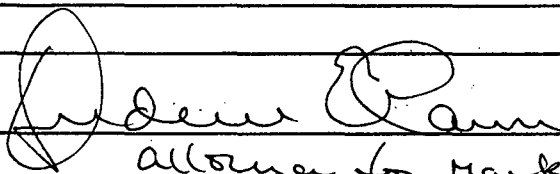
9. Scope of Review (Check One):

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

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

SEE ATTACHED PAGE 6 LINE 25 -  
PAGE 8 LINE 9

Signed:



Date:

2/13/92

Attorney for Mark & Debra Madden

**For Staff Use Only**

Fee:

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing \_\_\_\_\_ x \$3.50/minute = \$ \_\_\_\_\_

Total Fee = \$ \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Case No. \_\_\_\_\_

BEFORE THE BOARD OF MULTNOMAH COUNTY COMMISSIONERS

MARK MADDEN and DEBRA MADDEN, ) CASE NO.  
Petitioners, ) NOTICE OF REVIEW  
vs. )  
MULTNOMAH COUNTY, )  
Respondent. )

To: Planning Director [Director of the Division of Planning and Development], Multnomah County

A) Please take notice that Petitioners, Mark Madden and Debra Madden, husband and wife, give Notice of Review of the Decision of the Multnomah County Planning Commission's Decision in CS 3-92, HV 2-92, #139, Community Service Expansion, Front and Side Yard Setback Variances (Cellular Telephone Communications Monopole, dated February 3, 1992.

B) Petitioners' interest is that they are adversely affected by the decision to be reviewed and are aggrieved, in that they own property adjoining the subject property, both within and beyond 100 feet from the subject property, and participated in the hearing before the Planning Commission.

C) The grounds relied upon for review are as follows:

1) The application on its face fails to comply with MCC 11.15.2864(E) which applies and provides:

Height Restrictions: Maximum height of any structure shall be 35 feet.

There is no doubt that the pole is a structure, that 100' is more than 35', and that the applicant has not sought any variance



1 relating to the height requirements.

2 2) None, and certainly not all, of the grounds for a major  
3 variance, required for the side yard setback, or the tower  
4 height (front yard setback does not impact petitioners because  
5 petitioners' property adjoins the subject's side yard), found in  
6 MCC 11.15.8505 [Variance Approval Criteria], can be met. That  
7 section provides:

8 (A) The Approval Authority may permit and authorize a  
9 variance from the requirements of this Chapter  
10 only when there are cause practical difficulties  
11 [sic] in the application of the Chapter. A Major  
Variance shall be granted only when all of the  
following criteria are met. A Minor Variance  
shall met [sic] criteria (3) and (4).

12 (1) A circumstance or condition applies to the  
13 property or to the intended use that does  
14 not apply generally to other property in the  
15 same vicinity or district. The circumstance  
16 or condition may relate to the size, shape,  
natural features and topography of the  
property or the location or size of physical  
improvements on the site or the nature of the  
use compared to surrounding uses.

17 (2) The zoning requirement would restrict the use  
18 of the subject property to a greater degree  
19 that it restricts other properties in the  
vicinity or district.

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

23 (4) The granting of the variance will not  
24 adversely affect the realization of the  
25 comprehensive plan nor will it establish a  
use which is not listed in the underlying  
zone.

26 Generally and without limitation, the application discloses that

1 the reason that a new tower is required are because of the  
2 requirements of Cellular One's technology and because of the  
3 increasing use of the cellular telephone system, and has nothing  
4 to do with inherent problems with the Racquet Club site, or for  
5 that matter any specific site in Cellular One's canyon search  
6 area.

7 The need to develop another site is based on the fact that  
8 Cellular One's system is getting overloaded. This "hardship" is  
9 personal to Cellular One, and is unrelated to the site; if  
10 anything it is based on Cell One's success which is essentially a  
11 self created hardship at other sites and system wide.

12 As Cellular One points out, mature cellular telephone system  
13 operates most effectively with antenna heights of 75 to 100 feet.  
14 This is why Cellular One requires a tower. Again, this is a  
15 problem with the inherent needs of Cellular One's operations, not  
16 with the land in question. According to Cellular One, terrain  
17 in the canyon also contributes to the system's problems in the  
18 canyon. Again, this is a problem with the nature of the system  
19 and with the canyon as a whole, not with the Racquet Club's land.

20 As to the request for a side yard variance, nothing in the  
21 application suggests any hardship related to the land. It is  
22 understood by Petitioners the Cellular One's desire for a  
23 sideyard setback is related to a desire not to impact the Racquet  
24 Club's overflow parking; that again is not a hardship related to  
25 the land, but rather is a hardship related to the use of the  
26 land, clearly not grounds for a variance.

1           3)    The proposed facility was apparently selected based on  
2   lease availability and field study. The fact that there are no  
3   towers or other tall buildings available in this residential area  
4   on which to site the proposed tower again suggests that the  
5   problem is not unique to the Racquet Club property, but rather,  
6   is inherent in Cell One's siting requirements. That alone should  
7   require denial of the variance and also require the Board to  
8   order the applicant to go back to square one in its application  
9   for a CS use - that is, the applicant has not shown that it  
10   exhausted the search for locations less detrimental to the  
11   vicinity or district.

12           4)    The evidence suggests that the applicant cannot comply  
13   with the shared use requirements (either tower or site) for at  
14   least two reasons:

15                i)   the applicant's lease prohibits shared use, and

16                ii)   there may not be enough room on the tower tripod  
17   for more antennae. In this regard, the applicant  
18   acknowledges that there may be technological limitations on  
19   sharing.

20           5)    The tripod, at ten feet per side, is the maximum  
21   allowed, regardless of tower height, but the tower at 100 feet  
22   high, is not the maximum height. Therefore, the tripod is  
23   disproportionate to the tower and therefore inconsistent with the  
24   requirements of 11.15.7035(A)(1).

25           6)    It does not appear that the engineer's calculations,  
26   required by 11.15.7035(B)(4)(a)(iii) and 11.15.7035(D)(3), have

1 considered known unstable soil conditions in the area, regardless  
2 of the inclusion of pro forma calculations in the application.

3 7) There is no resolution of the lighting requirement  
4 between the FAA and the OSAD. If lighting will be required, it  
5 would be another reason why it would be inappropriate to place  
6 the tower in a residential district and it would further impair  
7 development and desirability of the adjoining Madden and  
8 surrounding property.

9 8) Although the applicant's proposal appears to meet the  
10 NIER requirements, the fact that the proposal emits any NIER in a  
11 residential area should require the applicant to show that it has  
12 exhausted all sites within its search area farther from developed  
13 or developable sites, regardless of cost, because the proposed  
14 exposure is not voluntary, like it is with microwave ovens,  
15 cellular telephones and the like with which applicant compares  
16 its proposal.

17 9) The application does not comply with  
18 11.15.7035(B)(4)(a)(i) and 7035(B)(7) in that the would decrease  
19 the required buffer area, and the problem would be best resolved  
20 by choosing a better site.

21 10) The application does not comply with 11.15.7035(B)(4)  
22 and .7035(B)(11)(a), and cannot.

23 11) The application does not comply with  
24 11.15.7035(4)(a)(ii) and cannot.

25 12) The application fails to comply with 11.15.7035(B)(13)  
26 and Policy 14 of the Comprehensive Plan in that it fails to

1 consider, let alone reconcile, Policy 14 relating to development  
2 limitations, in regard to known geological hazards. It also  
3 fails to consider the effect of the proposed tower and facility  
4 on the desirability and therefore the development of neighboring  
5 residential sites less than fifteen feet away.

6 13) The application fails to comply with 11.15.7035(B)(13)  
7 and Policy 16 of the Comprehensive Plan relating to Natural  
8 Resources in that the neighboring property, not more than 15 feet  
9 away from the tower and facility, is included within a proposed  
10 City Environmental overlay zone, which is not even considered in  
11 the proposal.

12 14) The application fails to comply with 11.15.7035(B)(13)  
13 and Policy 19 of the Comprehensive Plan relating to Community  
14 Design and minimal impact. Apparently the applicant has, and  
15 probably cannot, make design modifications which are significant,  
16 which suggests that a better site search would be in order to  
17 adequately deal with this policy.

18 15) The application fails to comply with  
19 11.15.7035(D)(3)(f), in that the application suggests that there  
20 are technological limitations on sharing, which implies that  
21 sharing would have to occur by site sharing, which is improbable  
22 on this 900 square foot site. The fact that the code allows this  
23 issue to be deferred does not mean that it should be when it is  
24 obvious that compliance could not occur when the issue comes up.

25 D) De novo review, and if de novo review is not granted, review  
26 by additional testimony is sought. De novo review is appropriate

1 within the factors of 11.15.8270(E), as follows:

2 a) the additional testimony or other evidence could not  
3 reasonably have been presented at the prior hearing, in that

4 Petitioners were not represented by counsel before the  
5 planning commission and representation by counsel with the  
6 opportunity to fully review the facts and present the  
7 arguments is essential to fairly present the issues

8 b) there is no material prejudice to other parties, in  
9 that

10 Applicant has not begun construction and one must  
11 realistically believe that applicant, a sophisticated  
12 publicly held national firm at the cutting edge of  
13 communications technology, was aware of the possibility of  
14 an appeal when the application was filed,

15 c) evidence was not available at the time of the initial  
16 hearing, in that

17 Petitioners were not represented by counsel and were  
18 not familiar with the evidence that could and should be  
19 brought forward to present their position to the planning  
20 board

21 d) there is no surprise to opposing parties, in that

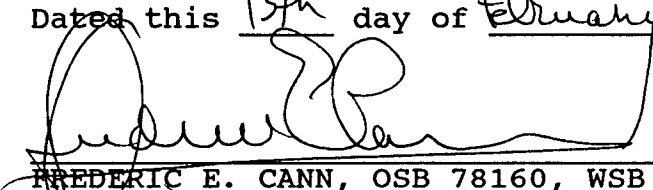
22 Again, one must realistically believe that applicant, a  
23 sophisticated publicly held national firm at the cutting  
24 edge of communications technology, was aware of the  
25 possibility of opposition to the siting of a one hundred  
26 foot microwave tower in a residential area, and appeals

1 from planning boards, when the application was filed,  
2 and

3 e) the proposed or other new evidence is competent,  
4 relevant and material, in that

5 Applicant does not anticipate presentation of  
6 incompetent, irrelevant, or immaterial evidence at any de  
7 novo hearing. This issue is (or should be) more relevant to  
8 review by the board where petitioners are unrepresented by  
9 counsel.

10 Dated this 13<sup>th</sup> day of February, 1991.

11   
12 \_\_\_\_\_  
13 FREDERIC E. CANN, OSB 78160, WSB 15962  
14 1230 SW First Avenue, Suite 300  
15 Portland, Oregon 97204  
16 Tel.: (503) 227-3712  
17 Fax.: (503) 227-3779

18 \wp\madden\cell-one.p2

Meeting Date: FEB 25 1992

Agenda No.: P-5

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Region 2040 Project Briefing

BCC Informal \_\_\_\_\_ BCC Formal February 25, 1992 (Planning Agenda)  
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT R. Scott Pemble TELEPHONE 248-3182

PERSON(S) MAKING PRESENTATION Mark Turpel, Ethan Seltzer

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):

The Region 2040 Project is a 50-year look into the future which will consider transportation systems and land use patterns to accommodate the growth of the region. This MSD sponsored project will involve the public and all local governments in the region in the development and analysis of alternative growth strategies. Phase I of this three to four-year project is just beginning and expected to be completed within the next 12 month period at a cost of \$280,000. MSD staff will provide a general overview of the entire project and describe in more detail Phase I objectives and work program.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER RSP [Signature]

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1992 FEB 20 PM 12:06  
MULTNOMAH COUNTY  
OREGON

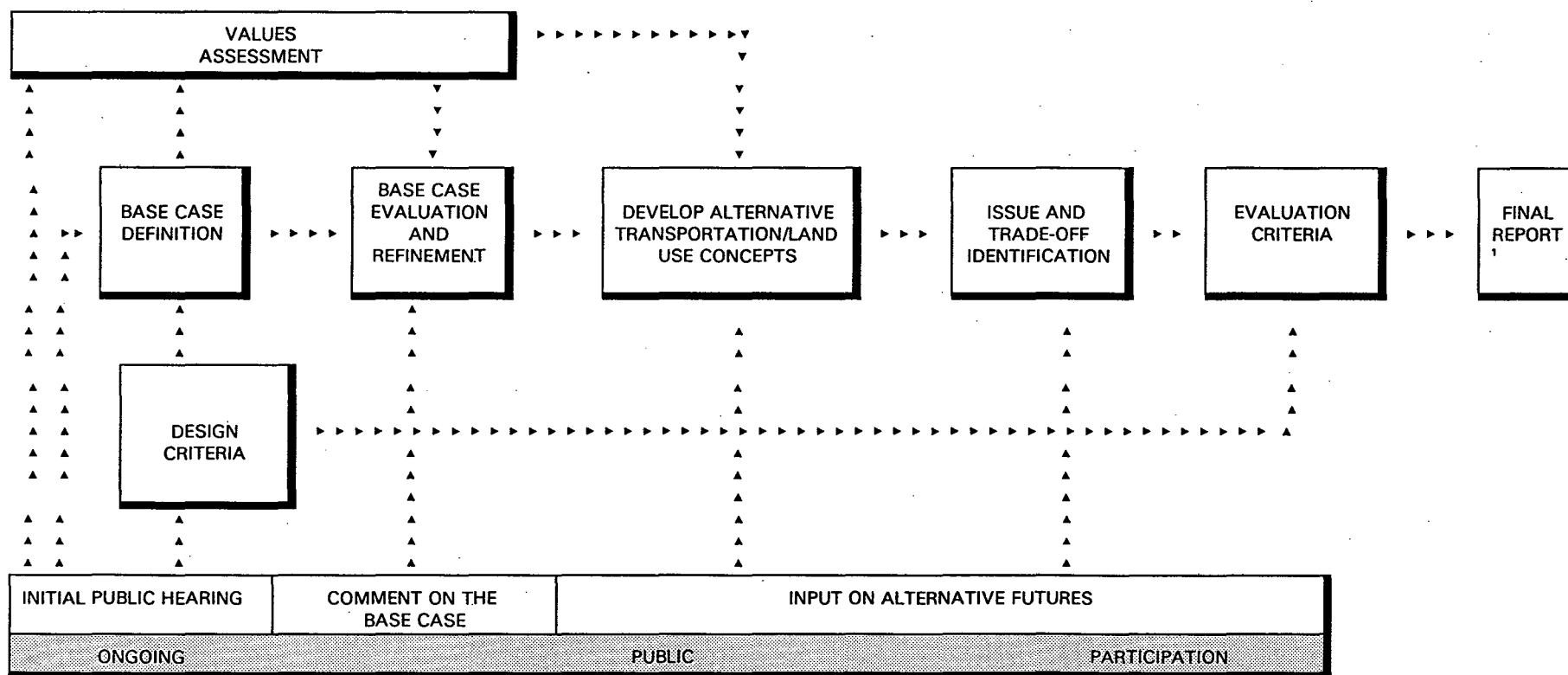


## Region 2040: Transportation & Land Use Concepts, Phase I

- PURPOSE** To better understand the alternatives for accommodating the growth expected within the region in the next 50 years and the choices that may be involved. This project results from a recommendation made as part of the process leading to the adoption of the Regional Urban Growth Goals and Objectives (RUGGO). The project is intended to provide guidance for the testing and implementation of concepts in RUGGO.
- PRODUCTS** 1) An explanation of the likely outcome of relying on existing transportation and land use plans to accommodate growth within the region; 2) up to 5 additional regional transportation and land use development alternatives; 3) criteria with which to evaluate the alternatives.
- PARTICIPANTS** The project will strive to include participation from citizens, cities and counties of the region, special districts, business and trade organizations, environmental organizations as well as Metro committees (RPAC, JPACT and their technical committees) and the Metro Council.
- TIMING** Phase I of project is expected to be a 12 month effort, beginning January, 1992.
- FUNDERS** This work effort is funded by the Oregon Department of Transportation (ODOT), Tri-Met and Metro.
- NEXT STEPS** Phase I will include two rounds of public involvement, the first being "kicked off" by the Regional Growth Conference, April 21. Once Phase I is completed, Phase II, scheduled to begin in 1993, will include a detailed evaluation will be made of each alternative and selection of the preferred alternative.
- DETAILS** For more information, a copy of RUGGO, or to get on our mailing list, please contact Ethan Seltzer or Mark Turpel at Metro, Planning and Development Department, 2000 SW First Avenue, Portland, OR 97201. Telephone: 503/221-1646.

METRO

## *Region 2040: Transportation and Land Use Study, Phase I*



**METRO**

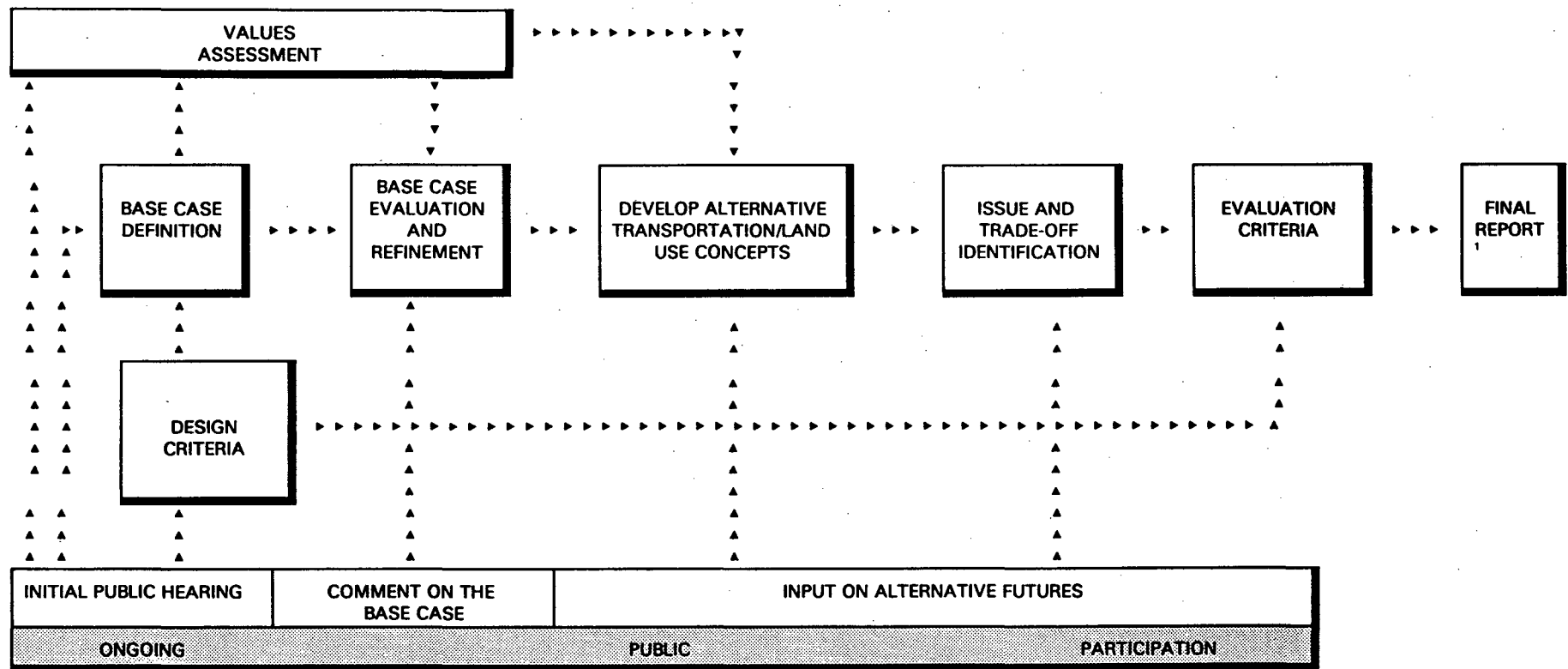
2000 S.W. First Avenue  
Portland, OR 97201  
503/221-1646

<sup>1</sup> The final product will consist of camera-ready: 1) tabloid; 2) final report and 3) final technical report.

Region 2040: Transportation & Land Use Concepts, Phase I

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- TIMING** Phase I of project is expected to be a 12 month effort, beginning January, 1992.
- FUNDERS** This work effort is funded by the Oregon Department of Transportation (ODOT), Tri-Met and Metro.
- NEXT STEPS** Phase I will include two rounds of public involvement, the first being "kicked off" by the Regional Growth Conference, April 21. Once Phase I is completed, Phase II, scheduled to begin in 1993, will include a detailed evaluation will be made of each alternative and selection of the preferred alternative.
- DETAILS** For more information, a copy of RUGGO, or to get on our mailing list, please contact Ethan Seltzer or Mark Turpel at Metro, Planning and Development Department, 2000 SW First Avenue, Portland, OR 97201. Telephone: 503/221-1646.

# Region 2040: Transportation and Land Use Study, Phase I



**METRO**  
2000 S.W. First Avenue  
Portland, OR 97201

1 The final product will consist of camera-ready: 1) tabloid; 2) final report and 3) final technical report.

## **Region 2040: Transportation & Land Use Concepts, Phase I**

### **PUBLIC PROCESS**

Following is a schedule of public involvement events for Phase I of the Region 2040 project:

<b>February/March</b>	Initial briefing for the elected bodies of all cities and counties of the region about the purpose and timing of Region 2040.
<b>Week of March 21</b>	Region 2040 media kickoff. A formal announcement of the project and description of 2040 workshops to be conducted at the annual growth conference will be given.
<b>March/April</b>	Stakeholder interviews regarding growth values.
<b>March/April</b>	Statistically valid telephone survey regarding growth values.
<b>April 21</b>	Annual Growth Conference with lunch presentation and afternoon workshops devoted to Region 2040.
<b>May</b>	Four public workshops to assess growth values.
<b>May/June</b>	City and County Planning staffs use the Public Involvement Kits to assess growth values of their council/commission.
<b>September</b>	Statistically valid mail survey to detail public interest or concerns with Regional Growth Alternatives.
<b>September/October</b>	City and county elected officials review of growth alternatives.
<b>September/October</b>	Public review workshops of Regional Growth Alternative Maps and materials.
<b>December</b>	Metro Council final review of Regional Growth Alternatives.

## **Region 2040: Transportation & Land Use Concepts, Phase I**

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### ***What's the Process?***

The Region 2040 project will include the following steps: 1) technical research and development; 2) public involvement; 3) further review and revision by advisory committees; and 4) review, revision and adoption by the Metro Council.

### ***Who's Involved?***

The technical parts of the project will be handled by the consultant team and the Management Committee, composed of planning staffs from many agencies in the region, as listed below. Public involvement will include all interested persons and organizations. JPACT (Joint Policy Advisory Committee on Transportation) and RPAC (Regional Policy Advisory Committee) are primarily committees composed of elected officials who advise Metro. The Metro Council adoption process relies on its Transportation and Planning Committee which may refer actions to the Metro Council for consideration.



#### **CONSULTANT TEAM**

Eco Northwest  
Cambridge Systematics  
Cogan Sharpe Cogan  
CH2M-Hill  
Walker/Macy  
Ernie Munch  
Salauddin Khan  
Pacific Rim Resources  
Decision Sciences

#### **MANAGEMENT COMMITTEE**

Clackamas County  
Metro  
Multnomah County  
ODOT  
City of Portland  
Tri-Met  
Washington County

#### **PUBLIC INVOLVEMENT**

Citizens  
Cities and Counties  
Special Districts  
Business Interests  
Environmental Interests

#### **RPAC**

Multnomah County Commission  
Citizen of Multnomah County  
Gresham  
Troutdale  
City of Portland  
Clackamas County Commission  
Citizen of Clackamas County  
City of Lake Oswego  
Forest Grove  
Washington County Commission  
Citizen of Washington County  
City of Beaverton  
West Linn  
Metro Council  
State Agency Council

#### **JPACT**

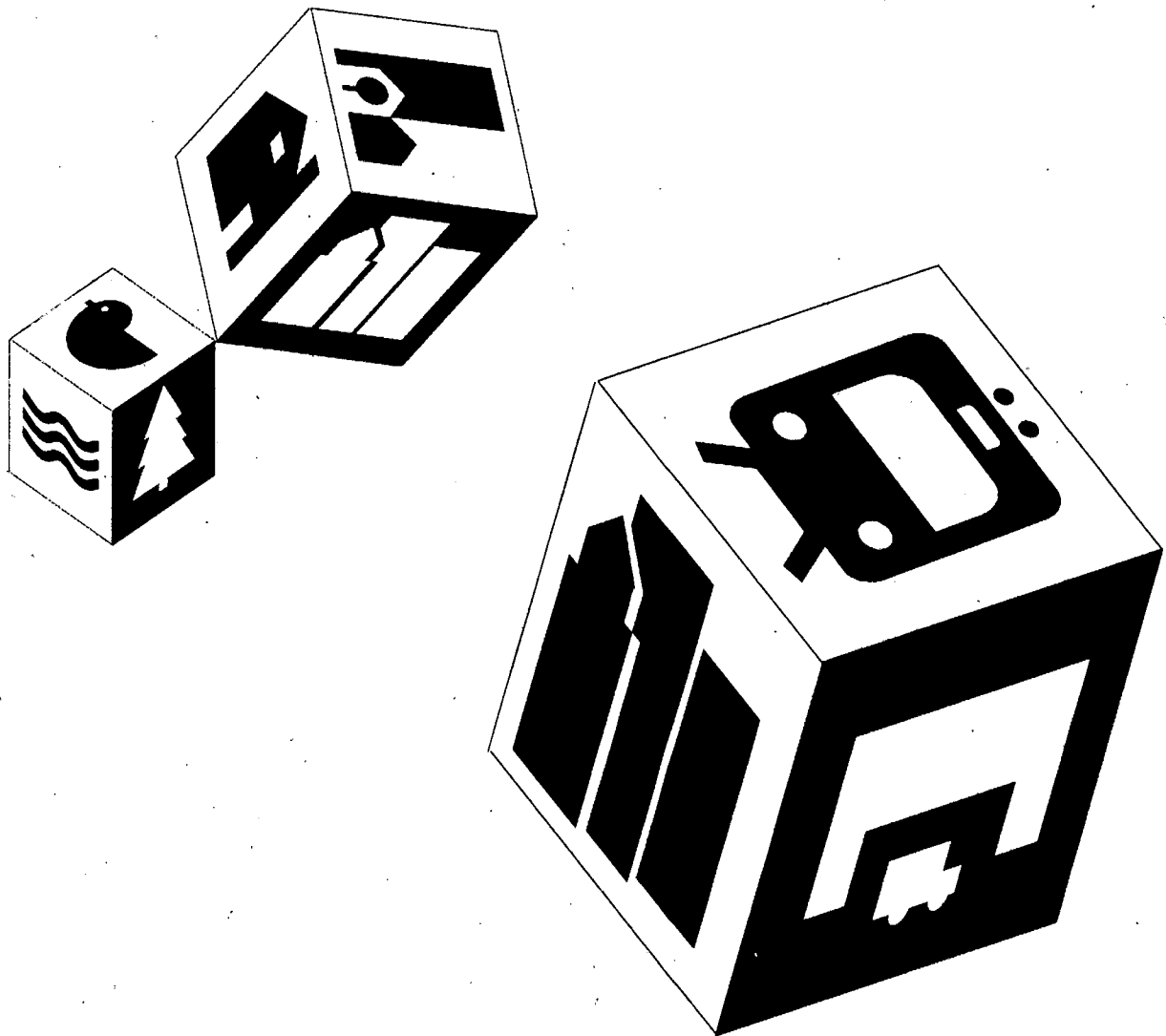
City of Beaverton  
Clackamas County  
Clark County  
DEQ  
Metro  
Multnomah  
ODOT  
City of Portland  
Port of Portland  
Tri-Met  
City of Troutdale  
City of Vancouver  
Washington County  
WSDOT  
City of West Linn

For more information, call Ethan Seltzer or Mark Turpel at 503/ 221-1646

# Regional Urban Growth Goals and Objectives

*Adopted Sept. 26, 1991*

*Ordinance Number 91-418 B  
Resolution Number 91-1489 B*



### **Urban Growth Management Plan Policy Advisory Committee Members**

Councilor Jim Gardner, *Policy Advisory  
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Commissioner Roy Rogers,  
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Commissioner Pauline Anderson,  
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Commissioner Darlene Hooley,  
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Commissioner Earl Blumenauer, *city of  
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Mayor Gussie McRobert, *city of Gresham,  
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Mayor Larry Cole, *city of Beaverton, cities  
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Mayor Alice Schlenker, *city of Lake  
Oswego, cities of Clackamas County*

Councilor Richard Devlin, *Metro*

Councilor Susan McLain, *Metro*

Councilor Larry Bauer, *Metro*

Mike Nelson, *GSL Inc., representing  
development interests*

Charlie Hales, *Home Builders Association  
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development interests*

Ken Buelt, *Washington County Farm  
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Henry Richmond, *1000 Friends of  
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interests*

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community*

John Miller, *representing citizen interests*

Ex officio: Bill Young, *director, Oregon  
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ing State Agency Council on Growth  
Issues in the Portland Metropolitan Area*

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Pat Lee

Henry Markus

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Mark Turpel

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## **Regional Urban Growth Goals and Objectives History**

Urban growth is changing the greater Portland region. The growth experienced in the past five years, and expected in the next 20, is a challenge to this region's distinctive urban quality of life. In addition, the urban land supply contained within the region's Urban Growth Boundary (UGB) is being consumed. We are fast approaching a whole host of crucial policy questions regarding urban form. The Metropolitan Service District's enabling statutes calls for the creation of regional land use goals and objectives to guide those policy discussions.

On Dec. 22, 1988, the Metro Council adopted the Urban Growth Boundary Periodic Review Workplan (Resolution No. 88-1021), directing staff to begin preparation of an "Urban Growth Management Plan." In addition to addressing the periodic review notice for the urban growth boundary, furnished to Metro by the Land Conservation and Development Commission, the workplan identified the crafting of Regional Urban Growth Goals and Objectives (RUGGOs) as the core of the proposed growth management planning effort. The purpose of the goals and objectives was to provide a policy framework for Metro's management of the urban growth boundary and for the coordination of Metro functional plans with that effort and each other. The goals and objectives, therefore, would provide the policy framework needed to address the urban form issues accompanying the growth of the metropolitan area.

In March of 1989, an Urban Growth Management Plan Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) were appointed by the council to guide the periodic review effort, including the preparation of the goals and objectives. Since April 1989, a period of 27 months, the PAC has met 28 times and the TAC has met 31 times.

A brief chronology of the project follows:

March 1989	PAC and TAC appointed.
Fall 1989	Growth issues workshops held throughout the region for citizens, jurisdiction technical staff, and elected and appointed officials of cities, counties, school districts and special districts - 200 participated.
January, 1990	First Regional Growth Conference - 425 attended.
July, 1990	PAC completes first draft of RUGGOs.
August 1990 - January, 1991	Four meetings with cities, counties, citizen groups, public workshops, business organizations and others to review and receive comment on PAC RUGGO draft.

- March 1991      Second annual Regional Growth Conference - 720 attended.
- July 1991      PAC completes review and revision of RUGGOs based on fall review process comments and conference comments.
- August 1991    RUGGOs transmitted to Council for adoption.

Other steps taken to make the development of the RUGGOs a public process have included publication of the quarterly Metro Planning news (12 issues, circulation of 5,200 includes all jurisdictions, neighborhood associations and CPOs, as well as other interested organizations, individuals and agencies), Mailing of PAC and TAC agenda materials to lists of about 130 each (including all planning directors in the region), and numerous public presentations, UGB tours and participation in other public events.

The RUGGOs are divided into two main sections. The first, Goal I, deals with the regional planning process. For the first time, Goal I explains the process that Metro will use to carry out its regional planning responsibilities. It specifies the relationship between Metro planning authority and the planning authority of cities and counties. In many respects, it is the first written explanation of the land use planning responsibilities given to Metro in its enabling legislation.

Goal I calls for the creation of a Regional Citizen Involvement Coordinating Committee to advise Metro on ways to better involve citizens in the regional planning program. Goal I also calls for the creation of an ongoing Regional Policy Advisory Committee (RPAC) to provide advice to the Council regarding Metro's regional planning program and activities. Significantly, Goal I limits the applicability of the RUGGOs to Metro functional plans and management of the UGB. Any application of the RUGGOs to the comprehensive plans of cities and counties can only occur through the preparation of a functional plan or through some aspect of the management of the UGB. The RUGGOs do not apply directly to city and county comprehensive plans or to site-specific land use actions.

Goal II deals with urban form. The RUGGOs are not a plan, nor do they provide a single vision for the future development of the region. Rather, the RUGGOs, in Goal II, provide a range of "building blocks" in response to the issues accompanying urban growth. The elements of Goal II can be arranged in a variety of ways, depending on the policy objectives of the region, and therefore suggest, but do not specify, alternative regional development patterns. Goal II is envisioned as a starting point for Metro's regional planning program, with further refinement and change expected as the next phases of planning work are completed.

The RUGGOs will be used to guide the development of UGB amendment procedures, a central product expected of periodic review of the UGB. The RUGGOs will also be used as the primary policy guidance for the Region 2040 study, now being formulated jointly by the Transportation and the Planning and Development departments.

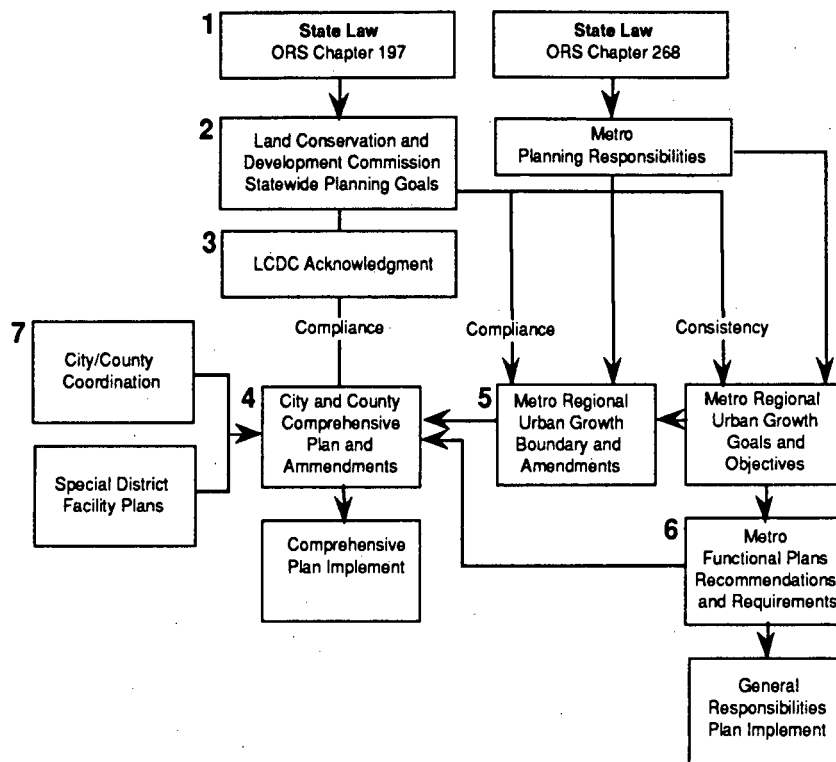
The Metro Council Transportation and Planning Committee held public hearings on the RUGGOs on Aug. 27, 1991, and Sept. 10, 1991. The RUGGO's were heard and adopted by the Metro Council on September 26, 1991. To assist interested parties with preparing testimony, RUGGO "open houses" were held on August 26, 1991, and Sept. 9, 1991. Metro mailed approximately 5,500 flyers describing the RUGGOs to publicize the hearings and the open houses. In addition, every jurisdiction in the region received separate notification. The hearings were publicized through the news media. An additional 2,500 flyers were distributed by hand throughout the region through citizen, civic and business organizations.

In addition to adopting the RUGGOs, Ordinance 91-418 formally repealed the Columbia Region Association of Governments Goals and Objectives adopted on Sept. 30, 1976, and left in place by the Oregon Legislature until Metro adopted its own goals and objectives (see Appendix 1). The CRAG goals and objectives were out of date and represented a legal liability to all of Metro's existing and anticipated planning efforts. Finally, accompanying the ordinance to council on Sept. 26, 1991, was a separate resolution for the adoption of the RPAC by-laws.

Again, the adoption of the RUGGOs is only the first step, not the last. The Region 2040 study, a one-year effort to define a range of reasonable future urban growth scenarios for the region, will lead to more precise definitions of a number of RUGGO concepts. In particular, Region 2040 will define the mixed use urban center concept and expectations for long range urban form. Region 2040 will be carried out with significant public and jurisdictional involvement. Metro expects RUGGO to be amended based on the findings of Region 2040.

For further information regarding the RUGGOs, the Regional Policy Advisory Committee, the Region 2040 study, or any other aspect of Metro's regional planning program, contact Ethan Seltzer or Mark Turpel in Metro's Planning and Development Department.

## Statewide Land-Use Planning Laws



**1** State laws preempt city, county, Metro home rule enactments that conflict with state land-use laws.

**2** LCDC interprets and administers state land-use law in statewide goals and rulemaking.

**3** LCDC acknowledges city and county comprehensive plans and Metro's urban growth boundary for compliance with statewide land-use goals. Metro's Regional Urban Growth Goals and Objectives may be reviewed by LCDC for consistency with goals.

**4** Metro's acknowledged urban growth boundary operates as a provision of the area's city and county comprehensive plans.

**5** Metro's Regional Urban Growth Goals and Objectives must be consistent with statewide goals and functional plans must be consistent with the RUGGOs.

**6** City and county comprehensive plans receive functional plan recommendations as input that usually leads to conforming comprehensive plan amendments. These can become requirements by subsequent Metro Council action.

**7** Coordination agreements between cities and counties and special district plan are input into each comprehensive plan, usually leading to conforming comprehensive plans.

## **Acknowledgements**

Regional Urban Growth Goals and Objectives would not have been completed without the contributions of literally thousands of residents and elected officials in the region. Metro Executive Officer Rena Cusma continues to be a strong and consistent participant in support of Metro's regional planning program. The Metro Council has been consistently supportive of this effort. Councilor Jim Gardner, chair of the Urban Growth Management Plan Policy Advisory Committee, has contributed significantly of both time and spirit.

The members of the Urban Growth Management Plan Policy Advisory Committee, listed on the inside front cover, have gone above and beyond the call of duty to contribute countless hours to the discussion and assembly of the final products.

The Urban Growth Management Plan Technical Advisory Committee has worked diligently to revise and refine workplans and work products. The metropolitan area city planning directors have provided an important forum for discussing and refining the process and the products. Within Metro, Larry Shaw, senior counsel, has done much to make the final products work. Marilyn Matteson, Public Affairs, has worked tirelessly to make the annual Regional Growth Conferences successful. Metro's graphic designers are responsible for developing the consistent graphic "style" that has provided continuity for the project. Andy Cotugno, director of the Transportation Department, has served as an important advisor to the project and has contributed greatly to the workplan concepts carrying this work to the next step.

Richard H. Carson, Director of the Planning and Development Department, in addition to chairing the Urban Growth Management Plan Technical Advisory Committee, provided the initial and ongoing inspiration and support for this project. Ethan Seltzer, with the assistance of Patrick Lee and Mark Turpel, was responsible for designing and carrying out the workplan that has resulted in this document and will result in its future evolution.

# Regional Urban Growth Goals and Objectives (As Adopted)

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## **Introduction**

The Regional Urban Growth Goals and Objectives (RUGGO) have been developed to:

1. respond to the direction given to Metro by the legislature through Oregon Revised Statutes chapter 268.380 to develop land use goals and objectives for the region which would replace those adopted by the Columbia Region Association of Governments;
2. provide a policy framework for guiding Metro's regional planning program, principally its development of functional plans and management of the region's urban growth boundary; and,
3. provide a process for coordinating planning in the metropolitan area to maintain metropolitan livability.

The RUGGOs are envisioned not as a final plan for the region, but as a starting point for developing a more focused vision for the future growth and development of the Portland area. Hence, the RUGGOs are the building blocks with which the local governments, citizens and other interests can begin to develop a shared view of the future.

This document begins with the broad outlines of that vision. There are two principal goals, the first dealing with the planning process and the second outlining substantive concerns related to urban form. The "subgoals" (in Goal II) and objectives clarify the goals. The planning activities reflect priority actions that need to be taken at a later date to refine and clarify the goals and objectives further.

Metro's regional goals and objectives required by ORS 268.380(1) are in RUGGO Goals I and II and Objectives 1-18 only. RUGGO planning activities contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans or functional plan amendments. Functional plans and functional plan amendments shall be consistent with Metro's regional goals and objectives, not RUGGO planning activities.



## **Background Statement**

Planning for and managing the effects of urban growth in this metropolitan region involves 24 cities, three counties and more than 130 special service districts and school districts, including Metro. In addition, the state of Oregon, Tri-Met, the Port of Portland and the Portland Metropolitan Area Local Government Boundary Commission all make decisions that affect and respond to regional urban growth. Each of these jurisdictions and agencies has specific duties and powers which apply directly to the tasks of urban growth management.

However, the issues of metropolitan growth are complex and interrelated. Consequently, the planning and growth management activities of many jurisdictions are both affected by, and directly affect, the actions of other jurisdictions in the region. In this region, as in others throughout the country, coordination of planning and management activities is a central issue for urban growth management.

Nonetheless, few models exist for coordinating growth management efforts in a metropolitan region. Further, although the Legislature charged Metro with certain coordinating responsibilities and gave it powers to accomplish that coordination, a participatory and cooperative structure for responding to that charge has never been stated.

As urban growth in the region generates issues requiring a multi-jurisdictional response, a "blueprint" for regional planning and coordination is critically needed. Although most would agree that there is a need for coordination, there is a wide range of opinion regarding how regional planning is to address issues of regional significance should occur, and under what circumstances Metro should exercise its coordination powers.

Goal I addresses this coordination issue for the first time by providing the process that Metro will use to address areas and activities of metropolitan significance. The process is intended to be responsive to the challenges of urban growth while respecting the powers and responsibilities of a wide range of interests, jurisdictions and agencies.

Goal II recognizes that this region is changing as growth occurs and that change is challenging our assumptions about how urban growth will affect quality of life. For example:

- overall, the number of vehicle miles traveled in the region has been increasing at a rate far in excess of the rate of population and employment growth;
- the greatest growth in traffic and movement is within suburban areas, rather than between suburban areas and the central downtown district;
- in the year 2010, Metro projects that 70 percent of all "trips" made daily in the region will occur within suburban areas;

- currently transit moves about 3 percent of the travelers in the region on an average workday;
- to this point the region has accommodated most forecasted growth on vacant land within the urban growth boundary, with redevelopment expected to accommodate very little of this growth;
- single-family residential construction is occurring at less than maximum planned density;
- rural residential development in rural exception areas is occurring in a manner and at a rate that may result in forcing the expansion of the urban growth boundary on important agricultural and forest resource lands in the future;
- a recent study of urban infrastructure needs in the state has found that only about half of the funding needed in the future to build required facilities can be identified.

If growing citizen concern about rising housing costs, vanishing open space, and increasing frustration with traffic congestion are added to the list, the issues associated with the growth of this region are not at all different from those encountered in other West Coast metropolitan areas such as the Puget Sound region or cities in California. The lesson in these observations is that the "quilt" of 27 separate comprehensive plans together with the region's urban growth boundary is not enough to effectively deal with the dynamics of regional growth and maintain quality of life.

The challenge is clear: if the Portland metropolitan area is going to be different than other places, and if it is to preserve its vaunted quality of life as an additional 485,000 people move into the urban area in the next 20 years, then a cooperative and participatory effort to address the issues of growth must begin now. Further, that effort needs to deal with the issues accompanying growth increasing traffic congestion, vanishing open space, speculative pressure on rural farm lands, rising housing costs and diminishing environmental quality in a common framework. Ignoring vital links between these issues will limit the scope and effectiveness of our approach to managing urban growth.

Goal II provides that broad framework needed to address the issues accompanying urban growth.

## **Planning for a Vision of Growth in the Portland Metropolitan Area**

As the metropolitan area changes, the importance of coordinated and balanced planning programs to protect the environment and guide development becomes increasingly evident.

By encouraging efficient placement of jobs and housing near each other, along with supportive commercial and recreational uses, a more efficient development pattern will result.

An important step toward achieving this planned pattern of regional growth is the integration of land uses with transportation planning, including mass transit, that will link mixed use urban centers of higher density residential and commercial development.

The region must strive to protect and enhance its natural environment and significant natural resources. This can best be achieved by integrating the important aspects of the natural environment into a regional system of natural areas, open space and trails for wildlife and people. Special attention should be given to the development of infrastructure and public services in a manner that complements the natural environment.

A clear distinction must be created between the urbanizing areas and rural lands. Emphasis should be placed on the balance between new development and infill within the region's urban growth boundary and the need for future urban growth boundary expansion. This regional vision recognizes the pivotal role played by a healthy and active central city, while at the same time providing for the growth of other communities in the region.

Finally, the regional planning program must be one that is based on a cooperative process that involves the residents of the metropolitan area, as well as the many public and private interests. Particular attention must be given to the need for effective partnerships with local governments because they will have a major responsibility in implementing the vision. It is important to consider the diversity of the region's communities when integrating local comprehensive plans into the pattern of regional growth.

## Goal I. Regional Planning Process

Regional planning in the metropolitan area shall:

I.i. identify and designate areas and activities of metropolitan significance through a participatory process involving citizens, cities, counties, special districts, school districts, and state and regional agencies;

I.ii. occur in a cooperative manner in order to avoid creating duplicative processes, standards and/or governmental roles.

These goals and objectives shall only apply to acknowledged comprehensive plans of cities and counties when implemented through functional plans or the acknowledged urban growth boundary plan.

## **Objective 1. Citizen Participation**

Metro shall develop and implement an ongoing program for citizen participation in all aspects of the regional planning program. Such a program shall be coordinated with local programs for supporting citizen involvement in planning processes, and shall not duplicate those programs.

**1.1. Regional Citizen Involvement Coordinating Committee.** Metro shall establish a Regional Citizen Involvement Coordinating Committee to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Regional Policy Advisory Committee regarding ways to best involve citizens in regional planning activities.

**1.2. Notification.** Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside its district boundaries.

## **Objective 2. Regional Policy Advisory Committee**

The Metro Council shall establish a Regional Policy Advisory Committee to:

2. i. assist with the development and review of Metro's regional planning activities pertaining to land use and growth management, including review and implementation of these goals and objectives, present and prospective functional planning, and management and review of the region's urban growth boundary;

2.ii. serve as a forum for identifying and discussing areas and activities of metropolitan or subregional significance; and

2.iii. provide an avenue for involving all cities and counties and other interests in the development and implementation of growth management strategies.

**2.1. Regional Policy Advisory Committee Composition.** The Regional Policy Advisory Committee (RPAC) shall be chosen according to the by-laws adopted by the Metro Council. The voting membership shall include elected officials of cities, counties and the Metro Council, as well as representatives of the state of Oregon and citizens. The composition of the Committee shall reflect the partnership that must exist among implementing jurisdictions in order to effectively address areas and activities of metropolitan significance, with a majority of the voting members being elected officials from within the Metro district boundaries.

**2.2. Advisory Committees.** The Metro Council, or the Regional Policy Advisory committee consistent with the RPAC by-laws, shall appoint technical advisory committees as the council or the Regional Policy Advisory Committee determine a need for such bodies.

**2.3. Joint Policy Advisory Committee on Transportation (JPACT).** JPACT, with the Metro Council, shall continue to perform the functions of the designated Metropolitan Planning Organization as required by federal transportation planning regulations. JPACT and the Regional Policy Advisory Committee shall develop a coordinated process, to be approved by the Metro Council, to assure that regional land use and transportation planning remains consistent with these goals and objectives and with each other.

### **Objective 3. Applicability of Regional Urban Growth Goals and Objectives**

These Regional Urban Growth Goals and Objectives have been developed pursuant to ORS 268.380(1). Therefore, they comprise neither a comprehensive plan under ORS 197.015(5) nor a functional plan under ORS 268.390(2). All functional plans prepared by Metro shall be consistent with these goals and objectives. Metro's management of the Urban Growth Boundary shall be guided by standards and procedures which must be consistent with these goals and objectives. These goals and objectives shall not apply directly to site-specific land use actions, including amendments of the urban growth boundary. These Regional Urban Growth Goals and Objectives shall apply to adopted and acknowledged comprehensive land use plans as follows:

3.i. A regional functional plan, itself consistent with these goals and objectives, may recommend or require amendments to adopted and acknowledged comprehensive land use plans; or

3.ii. The management and periodic review of Metro's acknowledged Urban Growth Boundary Plan, itself consistent with these goals and objectives, may require changes in adopted and acknowledged land use plans; or

3.iii. The Regional Policy Advisory Committee may identify and propose issues of regional concern, related to or derived from these goals and objectives, for consideration by cities and counties at the time of periodic review of their adopted and acknowledged comprehensive plans.

3.1. Urban Growth Boundary Plan. The Urban Growth Boundary Plan has two components:

3.1.1. The acknowledged urban growth boundary line; and

3.1.2. Acknowledged procedures and standards for amending the urban growth boundary line. Metro's Urban Growth Boundary is not a regional comprehensive plan but a provision of the comprehensive plans of the local governments within its boundaries. The location of the urban growth boundary line shall be in compliance with applicable statewide planning goals and consistent with these goals and objectives. Amendments to the urban growth boundary line shall demonstrate consistency only with the acknowledged procedures and standards.

**3.2. Functional Plans.** Regional functional plans containing recommendations for comprehensive planning by cities and counties may or may not involve land use decisions. Functional plans are not required by the enabling statute to include findings of consistency with statewide land use planning goals. If provisions in a

functional plan, or actions implementing a functional plan require changes in an adopted and acknowledged comprehensive land use plan, then that action may be a land use action required to be consistent with the statewide planning goals.

**3.3. Periodic Review of Comprehensive Land Use Plans.** At the time of periodic review for comprehensive land use plans in the region the Regional Policy Advisory Committee:

3.3.1. Shall assist Metro with the identification of functional plan provisions or changes in functional plans adopted since the last periodic review for inclusion in periodic review notices as changes in law; and

3.3. 2. May provide comments during the periodic review of adopted and acknowledged comprehensive plans on issues of regional concern.

**3.4. Periodic Review of the Regional Urban Growth Goals and Objectives.**

If statute changes are made to ORS 197 to allow acknowledgement of these goals and objectives as the means for meeting the statutory requirement that these goals and objectives be consistent with statewide planning goals, then this section will apply. The Regional Policy Advisory Committee shall consider the periodic review notice for these goals and objectives and recommend a periodic review process for adoption by the Metro Council.

#### **Objective 4. Implementation Roles**

Regional planning and the implementation of these Regional Urban Growth Goals and Objectives shall recognize the inter-relationships between cities, counties, special districts, Metro, regional agencies and the state, and their unique capabilities and roles.

**4.1. Metro Role.** Metro shall:

4.1.1. Identify and designate areas and activities of metropolitan significance;

4.1.2. Provide staff and technical resources to support the activities of the Regional Policy Advisory Committee

4.1.3. Serve as a technical resource for cities, counties and other jurisdictions and agencies;

4.1.4. Facilitate a broad-based regional discussion to identify appropriate strategies for responding to those issues of metropolitan significance; and

4.1.5. Adopt functional plans necessary and appropriate for the implementation of these regional urban growth goals and objectives;

4.1.6. Coordinate the efforts of cities, counties, special districts and the state to implement adopted strategies.

#### **4.2. Role of Cities.**

4.2.1. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

4.2.2. Identify potential areas and activities of metropolitan significance;

4.2.3. Cooperatively develop strategies for responding to areas and activities of metropolitan significance;

4.2.4. Participate in the review and refinement of these goals and objectives

#### **4.3. Role of Counties.**

4.3.1. Adopt and amend comprehensive plans to conform to functional plans adopted by Metro;

4.3.2. Identify potential areas and activities of metropolitan significance;

4.3.3. Cooperatively develop strategies for responding to designated areas and activities of metropolitan significance;

4.3.4. Participate in the review and refinement of these goals and objectives.

**4.4. Role of Special Service Districts.** Assist Metro with the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.

**4.5. Role of the State of Oregon.** Advise Metro regarding the identification of areas and activities of metropolitan significance and the development of strategies to address them, and participate in the review and refinement of these goals and objectives.

#### **Objective 5. Functional Planning Process**

Functional plans are limited purpose plans, consistent with these goals and objectives, which address designated areas and activities of metropolitan significance.

**5.1. Existing Functional Plans.** Metro shall continue to develop, amend and implement, with the assistance of cities, counties, special districts and the state, statutorily required functional plans for air, water, and transportation, as directed by ORS 268.390(1), and for solid waste as mandated by ORS ch 459.



5.2. New Functional Plans. New functional plans shall be proposed from one of two sources:

5.2.1. The Regional Policy Advisory Committee may recommend that the Metro Council designate an area or activity of metropolitan significance for which a functional plan should be prepared; or

5.2.2. The Metro Council may propose the preparation of a functional plan to designate an area or activity of metropolitan significance, and refer that proposal to the Regional Policy Advisory Committee.

Upon the Metro Council adopting factual reasons for the development of a new functional plan, the Regional Policy Advisory Committee shall oversee the preparation of the plan, consistent with these goals and objectives and the reasons cited by the Metro Council. After preparing the plan and seeking broad public and local government consensus, using existing citizen involvement processes established by cities, counties, and Metro, the Regional Policy Advisory Committee shall present the plan and its recommendations to the Metro Council. The Metro Council may act to resolve conflicts or problems impeding the development of a new functional plan and may act to oversee preparation of the plan should such conflicts or problems prevent the Regional Policy Advisory Committee from completing its work in a timely or orderly manner.

The Metro Council shall hold a public hearing on the proposed plan and afterwards shall:

5.2.A. Adopt the proposed functional plan; or

5.2.B. Refer the proposed functional plan to the Regional Policy Advisory Committee in order to consider amendments to the proposed plan prior to adoption; or

5.2.C. Amend and adopt the proposed functional plan; or

5.2.D. Reject the proposed functional plan. The proposed functional plan shall be adopted by ordinance and shall include findings of consistency with these goals and objectives.

**5.3. Functional Plan Implementation and Conflict Resolution.** Adopted functional plans shall be regionally coordinated policies, facilities and/or approaches to addressing a designated area or activity of metropolitan significance, be considered by cities and counties for incorporation in their comprehensive land use plans. If a city or county determines that a functional plan recommendation should not or cannot be incorporated into its comprehensive plan, then Metro shall review any apparent inconsistencies by the following process:

5.3.1. Metro and affected local governments shall notify each other of apparent or potential comprehensive plan inconsistencies.

5.3.2. After Metro staff review, the Regional Policy Advisory Committee shall consult the affected jurisdictions and attempt to resolve any apparent or potential inconsistencies.

5.3.3. The Regional Policy Advisory Committee shall conduct a public hearing and make a report to the Metro Council regarding instances and reasons why a city or county has not adopted changes consistent with recommendations in a regional functional plan.

5.3.4. The Metro Council shall review the Regional Policy Advisory Committee report and hold a public hearing on any unresolved issues. The council may decide to:

5.3.4.a. Amend the adopted regional functional plan; or

5.3.4.b. Initiate proceedings to require a comprehensive plan change; or find there is no inconsistency between the comprehensive plan(s) and the functional plan.

#### **Objective 6. Amendments to the Regional Urban Growth Goals and Objectives**

The Regional Urban Growth Goals and Objectives shall be reviewed at regular intervals or at other times determined by the Metro Council after consultation with or upon the suggestion of the Regional Policy Advisory Committee. Any review and amendment process shall involve a broad cross-section of citizen and jurisdictional interests and shall be conducted by the Regional Policy Advisory Committee consistent with Goal 1: Regional Planning Process. Proposals for amendments shall receive broad public and local government review prior to final Metro Council action.

**6.1. Impact of Amendments.** At the time of adoption of amendments to these goals and objectives, the Metro Council shall determine whether amendments to adopted functional plans or the acknowledged regional urban growth boundary are necessary. If amendments to adopted functional plans are necessary, the Metro Council shall act on amendments to applicable functional plans. The council shall request recommendations from the Regional Policy Advisory Committee before taking action. All amendment proposals will include the date and method through which they may become effective, should they be adopted. Amendments to the acknowledged regional urban growth boundary will be considered under acknowledged urban growth boundary amendment procedures incorporated in the Metro Code.

If changes to functional plans are adopted, affected cities and counties shall be informed in writing of those changes which are advisory in nature, those which recommend changes in comprehensive land use plans and those which require changes in comprehensive plans. This notice shall specify the effective date of particular amendment provisions.



## Goal II. Urban Form

The livability of the urban region should be maintained and enhanced through initiatives which:

II.i. preserve environmental quality;

II.ii. coordinate the development of jobs, housing, and public services and facilities; and

II.iii. inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

## II.1. NATURAL ENVIRONMENT

Preservation, use and modification of the natural environment of the region should maintain and enhance environmental quality while striving for the wise use and preservation of a broad range of natural resources.

### **Objective 7. Water Resources**

Planning and management of water resources should be coordinated in order to improve the quality and ensure sufficient quantity of surface water and groundwater available to the region.

**7.1. Formulate Strategy.** A long-term strategy, coordinated by the jurisdictions and agencies charged with planning and managing water resources, shall be developed to comply with state and federal requirements for drinking water, to sustain beneficial water uses, and to accommodate growth.

#### *Planning Activities:*

Planning programs for water resources management shall be evaluated to determine the ability of current efforts to accomplish the following, and recommendations for changes in these programs will be made if they are found to be inadequate:

- Identify the future resource needs and carrying capacities of the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic amenities;
- Monitor water-quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional and local governments for specific water resources important to the region;
- Evaluate the cost-effectiveness of alternative water resource management scenarios and the use of conservation for both cost containment and resource management; and
- Preserve, create or enhance natural water features for use as elements in nonstructural approaches to managing stormwater and water quality.

### **Objective 8. Air Quality**

Air quality shall be protected and enhanced so that as growth occurs, human health is unimpaired. Visibility of the Cascades and the Coast Range from within the region should be maintained.

**8.1.** Strategies for planning and managing air quality in the regional airshed shall be included in the State Implementation Plan for the Portland-Vancouver air-quality maintenance area as required by the Federal Clean Air Act.

8.2. New regional strategies shall be developed to comply with Federal Clean Air Act requirements and provide capacity for future growth.

8.3. The region, working with the state, shall pursue the consolidation of the Oregon and Clark County Air Quality Management Areas.

8.4. All functional plans, when taken in the aggregate, shall be consistent with the State Implementation Plan (SIP) for air quality.

*Planning Activities:*

An air quality management plan should be developed for the regional airshed which:

- Outlines existing and forecast air quality problems; identifies prudent and equitable market-based and regulatory strategies for addressing present and probable air quality problems throughout the region; Evaluates standards for visibility; and implements an air-quality monitoring program to assess compliance with local, state and federal air quality requirements.

**Objective 9. Natural Areas, Parks and Wildlife Habitat**

Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established.

9.1. Quantifiable targets for setting aside certain amounts and types of open space shall be identified.

9.2. Corridor Systems. The regional planning process shall be used to coordinate the development of interconnected recreational and wildlife corridors within the metropolitan region.

9.2.1. A region-wide system of trails should be developed to link public and private open space resources within and between jurisdictions.

9.2.2. A region-wide system of linked significant wildlife habitats should be developed.

9.2.3. A Willamette River Greenway Plan for the region should be implemented by the turn of the century.

*Planning Activities:*

1. Inventory existing open space and open space opportunities to determine areas within the region where open space deficiencies exist now, or will in the future, given adopted land use plans and growth trends.

2. Assess current and future active recreational land needs. Target acreages should be developed for neighborhood, community and regional parks, as well as for other types of open space in order to meet local needs while sharing responsibility for meeting metropolitan open space demands.
3. Develop multi-jurisdictional tools for planning and financing the protection and maintenance of open space resources. Particular attention will be paid to using the land use planning and permitting process and to the possible development of a land-banking program.
4. Conduct a detailed biological field inventory of the region to establish an accurate baseline of native wildlife and plant populations. Target population goals for native species will be established through a public process which will include an analysis of amounts of habitat necessary to sustain native populations at target levels.

#### **Objective 10. Protection of Agriculture and Forest Resource Lands**

Agricultural and forest resource land outside the urban growth boundary shall be protected from urbanization and accounted for in regional economic and development plans.

10.1. Rural Resource Lands. Rural resource lands outside the urban growth boundary which have significant resource value should actively be protected from urbanization.

10.2. Urban Expansion. Expansion of the urban growth boundary shall occur in urban reserves, established consistent with Objective 15.3.

#### ***Planning Activities:***

A regional economic opportunities analysis shall include consideration of the agricultural and forest products economy associated with lands adjacent to or near the urban area.

## **I.1.2. BUILT ENVIRONMENT**

Development in the region should occur in a coordinated and balanced fashion as evidenced by:

- II.2.i. a regional "fair-share" approach to meeting the housing needs of the urban population;
- II.2.ii. the provision of infrastructure and critical public services concurrent with the pace of urban growth;
- II.2.iii. the integration of land use planning and economic development programs;
- II.2.iv. the coordination of public investment with local comprehensive and regional functional plans;
- II.2.v. the continued evolution of regional economic opportunity; and
- II.2.vi. the creation of a balanced transportation system, less dependent on the private automobile, supported by both the use of emerging technology and the collocation of jobs, housing, commercial activity, parks and open space.

### **Objective 11. Housing**

There shall be a diverse range of housing types available inside the UGB for rent or purchase at costs in balance with the range of household incomes in the region. Low and moderate income housing needs should be addressed throughout the region. Housing densities should be supportive of adopted public policy for the development of the regional transportation system and designated mixed use urban centers.

#### *Planning Activities:*

The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the preparation of local comprehensive plans in the urban region that:

- provide for the sharing of regional housing supply responsibilities by ensuring the presence of single and multiple-family zoning in every jurisdiction; and
- plan for local residential housing densities that support net residential housing density assumptions underlying the regional urban growth boundary.

However, it is now time to develop a new regional housing policy that directly addresses the requirements of Statewide Planning Goal 10, in particular:

1. Strategies should be developed to preserve the region's supply of special needs and existing low and moderate-income housing.



2. **Diverse Housing Needs.** The diverse housing needs of the present and projected population of the region shall be correlated with the available and prospective housing supply. Upon identification of unmet housing needs, a regionwide strategy shall be developed which takes into account subregional opportunities and constraints, and the relationship of market dynamics to the management of the overall supply of housing. In addition, that strategy shall address the "fair-share" distribution of housing responsibilities among the jurisdictions of the region, including the provision of supporting social services.
3. **Housing Affordability.** A housing needs analysis shall be carried out to assess the adequacy of the supply of housing for rent and/or sale at prices for low and moderate income households. If, following that needs analysis, certain income groups in the region are found to not have affordable housing available to them, strategies shall be developed to focus land use policy and public and private investment towards meeting that need.
4. The uses of public policy and investment to encourage the development of housing in locations near employment that is affordable to employees in those enterprises shall be evaluated and, where feasible, implemented.

#### **Objective 12. Public Services and Facilities**

Public services and facilities including, but not limited to, public safety, water and sewerage systems, parks, libraries, the solid waste management system, stormwater management facilities and transportation should be planned and developed to:

- 12.i. minimize cost;
- 12.ii. maximize service efficiencies and coordination;
- 12.iii. result in net improvements in environmental quality and the conservation of natural resources;
- 12.iv. keep pace with growth while preventing any loss of existing service levels and achieving planned service levels;
- 12.v. use energy efficiently; and
- 12.vi. shape and direct growth to meet local and regional objectives.

12.1. **Planning Area.** The long-term geographical planning area for the provision of urban services shall be the area described by the adopted and acknowledged urban growth boundary and the designated urban reserves.

12.2. **Forecast Need.** Public service and facility development shall be planned to accommodate the rate of urban growth forecast in the adopted regional growth forecast, including anticipated expansions into urban reserve areas.

12.3. **Timing.** The region should seek the provision of public facilities and services at the time of new urban growth.

### *Planning Activities:*

Inventory current and projected public facilities and services needs throughout the region, as described in adopted and acknowledged public facilities plans. Identify opportunities for and barriers to achieving concurrency in the region. Develop financial tools and techniques to enable cities, counties, school districts, special districts, Metro and the State to secure the funds necessary to achieve concurrency. Develop tools and strategies for better linking planning for school, library, and park facilities to the land use planning process.

### **Objective 13. Transportation**

A regional transportation system shall be developed which:

13.i. reduces reliance on a single mode of transportation through development of a balanced transportation system which employs highways, transit, bicycle and pedestrian improvements, and system and demand management.

13.ii. provides adequate levels of mobility consistent with local comprehensive plans and state and regional policies and plans;

13.iii. encourages energy efficiency;

13.iv. recognizes financial constraints; and

13.v. minimizes the environmental impacts of system development, operations, and maintenance.

13.1. System Priorities. In developing new regional transportation system infrastructure, the highest priority should be meeting the mobility needs of mixed use urban centers, when designated. Such needs, associated with ensuring access to jobs, housing and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing transportation system capacity so as to minimize negative impacts on environmental quality, urban form and urban design.

13.2. Environmental Considerations. Planning for the regional transportation system should seek to:

13.2.1. reduce the region's transportation-related energy consumption through increased use of transit, carpools, vanpools, bicycles and walking;

13.2.2. maintain the region's air quality (see Objective 8: Air Quality); and

13.2.3. reduce negative impacts on parks, public open space, wetlands and negative effects on communities and neighborhoods arising from noise, visual impacts and physical segmentation.

13.3. Transportation Balance. Although the predominant form of transportation is the private automobile, planning for and development of the regional transportation system should seek to:

13.3.1. reduce automobile dependency, especially the use of single-occupancy vehicles;

13.3.2. increase the use of transit through both expanding transit service and addressing a broad range of requirements for making transit competitive with the private automobile; and

13.3.3. encourage bicycle and pedestrian movement through the location and design of land uses.

*Planning Activities:*

1. Build on existing mechanisms for coordinating transportation planning in the region by:
  - identifying the role for local transportation system improvements and relationship between local, regional and state transportation system improvements in regional transportation plans;
  - clarifying institutional roles, especially for plan implementation, in local, regional and state transportation plans; and
  - including plans and policies for the inter-regional movement of people and goods by rail, ship, barge and air in regional transportation plans.
2. Structural barriers to mobility for transportation disadvantaged populations should be assessed in the current and planned regional transportation system and addressed through a comprehensive program of transportation and non-transportation system based actions.
3. The needs for movement of goods via trucks, rail and barge should be assessed and addressed through a coordinated program of transportation system improvements and actions to affect the location of trip generating activities.
4. Transportation-related guidelines and standards for designating mixed use urban centers shall be developed.

#### **Objective 14. Economic Opportunity**

Public policy should encourage the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region. Expansions of the urban growth boundary for industrial or commercial purposes shall occur in locations consistent with these regional urban growth goals and objectives.

##### *Planning Activities:*

1. Regional and subregional economic opportunities analyses, as described in OAR 660 Division 9, should be conducted to:
  - assess the adequacy and, if necessary, propose modifications to the supply of vacant and redevelopable land inventories designated for a broad range of employment activities;
  - identify regional and subregional target industries. Economic subregions will be developed which reflect a functional relationship between locational characteristics and the locational requirements of target industries. Enterprises identified for recruitment, retention and expansion should be basic industries that broaden and diversify the region's economic base while providing jobs that pay at family wage levels or better; and
  - link job development efforts with an active and comprehensive program of training and education to improve the overall quality of the region's labor force. In particular, new strategies to provide labor training and education should focus on the needs of economically disadvantaged, minority and elderly populations.
2. An assessment should be made of the potential for redevelopment and/or intensification of use of existing commercial and industrial land resources in the region.

## **II.3. GROWTH MANAGEMENT**

The management of the urban land supply shall occur in a manner which encourages:

II.3.i. the evolution of an efficient urban growth form which reduces sprawl;

II.3.ii. a clear distinction between urban and rural lands; and

I.3.iii. recognition of the inter-relationship between development of vacant land and redevelopment objectives in all parts of the urban region.

### **Objective 15. Urban/Rural Transition**

There should be a clear transition between urban and rural land that makes best use of natural and built landscape features and which recognizes the likely long-term prospects for regional urban growth.

15.1. Boundary Features. The Metro urban growth boundary should be located using natural and built features, including roads, drainage divides, floodplains, powerlines, major topographic features and historic patterns of land use or settlement.

15.2. Sense of Place. Historic, cultural, topographic, and biological features of the regional landscape which contribute significantly to this region's identity and "sense of place", shall be identified. Management of the total urban land supply should occur in a manner that supports the preservation of those features, when designated, as growth occurs.

15.3. Urban Reserves. Thirty-year "urban reserves," adopted for purposes of coordinating planning and estimating areas for future urban expansion, should be identified consistent with these goals and objectives, and reviewed by Metro every 15 years.

15.3.1. Establishment of urban reserves will take into account:

15.3.1.a. The efficiency with which the proposed reserve can be provided with urban services in the future;

15.3.1.b. The unique land needs of specific urban activities assessed from a regional perspective;

15.3.1.c. The provision of green spaces between communities;

15.3.1.d. The efficiencies with which the proposed reserve can be urbanized;

15.3.1.e. The proximity of jobs and housing to each other;

15.3.1.f. The balance of growth opportunities throughout the region so that the costs and benefits can be shared;

15.3.1.g. The impact on the regional transportation system; and

15.3.1.h. The protection of farm and forest resource lands from urbanization. Inclusion of land in an urban reserve shall be preceded by consideration of all of the above factors.

15.3.2. In addressing 15.3.1(h), the following hierarchy should be used for identifying priority sites for urban reserves:

15.3.2.a. First, propose such reserves on rural lands excepted from Statewide Planning goals 3 and 4 in adopted and acknowledged county comprehensive plans. This recognizes that small amounts of rural resource land adjacent to or surrounded by those "exception lands" may be necessary for inclusion in the proposal to improve the efficiency of the future urban growth boundary amendment.

15.3.2.b. Second, consider secondary forest resource lands, or equivalent, as defined by the state.

15.3.2.c. Third, consider secondary agricultural resource lands, or equivalent, as defined by the state.

15.3.2.d. Fourth, consider primary forest resource lands, or equivalent, as defined by the state.

15.3.2.e. Finally, when all other options are exhausted, consider primary agricultural lands, or equivalent, as defined by the state.

15.3.3. Expansion of the urban growth boundary shall occur consistent with Objectives 16 and 17. Where urban land is adjacent to rural lands outside of an urban reserve, Metro will work with affected cities and counties to ensure that urban uses do not significantly affect the use or condition of the rural land. Where urban land is adjacent to lands within an urban reserve that may someday be included within the urban growth boundary, Metro will work with affected cities and counties to ensure that rural development does not create obstacles to efficient urbanization in the future.

*Planning Activities:*

1. Identification of urban reserves adjacent to the urban growth boundary shall be accompanied by the development of a generalized future land use plan. The planning effort will primarily be concerned with identifying and protecting future open space resources and the development of short-term strategies needed to preserve future urbanization potential. Ultimate providers of urban services within those areas should be designated and charged with incorporating the reserve area(s) in their public facility plans in conjunction with the next periodic review. Changes in the location of the urban growth

boundary should occur so as to ensure that plans exist for key public facilities and services.

2. The prospect of creating transportation and other links between the urban economy within the Metro Urban Growth Boundary and other urban areas in the state should be investigated as a means for better utilizing Oregon's urban land and human resources.
3. The use of greenbelts for creating a clear distinction between urban and rural lands, and for creating linkages between communities, should be explored.
4. The region, working with the state and other urban communities in the northern Willamette Valley, should evaluate the opportunities for accommodating forecasted urban growth in urban areas outside of and not adjacent to the present urban growth boundary.

#### **Objective 16. Developed Urban Land**

Opportunities for and obstacles to the continued development and redevelopment of existing urban land shall be identified and actively addressed. A combination of regulations and incentives shall be employed to ensure that the prospect of living, working, and doing business in those locations remains attractive to a wide range of households and employers.

16.1. Redevelopment and Infill. The potential for redevelopment and infill on existing urban land will be included as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years. When Metro examines whether additional urban land is needed within the urban growth boundary, it shall assess redevelopment and infill potential in the region.

Metro will work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land. After this analysis and review, Metro will initiate an amendment of the urban growth boundary to meet that portion of the identified need for land not met through commitments for redevelopment and infill.

16.2. Portland Central City. The central city area of Portland is an area of regional and state significance for commercial, economic, cultural, tourism, government and transportation functions. State and regional policy and public investment should continue to recognize this special significance.

16.3. Mixed Use Urban Centers. The region shall evaluate and designate mixed use urban centers. A "mixed use urban center" is a mixed use node of relatively high density, supportive of non-auto based transportation modes and supported by sufficient public facilities and services, parks, open space, and other urban amenities. Upon identification of mixed use urban centers, state, regional and local policy and investment shall be coordinated to achieve development objectives for those places. Minimum targets for transit: highway mode split,

jobs: housing balance, and minimum housing density may be associated with those public investments.

New mixed use urban centers shall be sited with respect to a system of such centers in the region and shall not significantly affect regional goals for existing centers, the transportation system, and other public services and facilities.

*Planning Activities:*

1. Metro's assessment of redevelopment and infill potential in the region shall include but not be limited to:
  - a. An inventory of parcels where the assessed value of improvements is less than the assessed value of the land.
  - b. An analysis of the difference between comprehensive plan development densities and actual development densities for all parcels as a first step towards determining the efficiency with which urban land is being used. In this case, efficiency is a function of land development densities incorporated in local comprehensive plans.
  - c. An assessment of the impacts on the cost of housing of redevelopment versus expansion of the urban growth boundary.
  - d. An assessment of the impediments to redevelopment and infill posed by existing urban land uses or conditions.
2. Financial incentives to encourage redevelopment and infill consistent with adopted and acknowledged comprehensive plans should be pursued to make redevelopment and infill attractive alternatives to raw land conversion for investors and buyers.
3. Cities and their neighborhoods should be recognized as the focal points for this region's urban diversity. Actions should be identified to reinforce the role of existing downtowns in maintaining the strength of urban communities.
4. Tools will be developed to address regional economic equity issues stemming from the fact that not all jurisdictions will serve as a site for an economic activity center. Such tools may include off-site linkage programs to meet housing or other needs or a program of fiscal tax equity.
5. Criteria shall be developed to guide the potential designation of mixed use urban centers. The development and application of such criteria will address the specific area to be included in the center, the type and amount of uses it is to eventually contain, the steps to be taken to encourage public and private investment. Existing and possible future mixed use urban centers will be evaluated as to their current functions, potentials, and need for future public and private investment. Strategies to meet the needs of the individual centers will be developed. The implications of both limiting and not limiting the location of large-scale office and retail development in mixed use urban centers shall be evaluated.



## **Objective 17. Urban Growth Boundary**

The regional urban growth boundary, a long-term planning tool, shall separate urbanizable from rural land be based in aggregate on the region's 20-year projected need for urban land, and be located consistent with statewide planning goals and these Regional Urban Growth Goals and Objectives. In the location, amendment and management of the regional urban growth boundary, Metro shall seek to improve the functional value of the boundary.

**17.1. Expansion Into Urban Reserves.** Upon demonstrating a need for additional urban land, major and legislative urban growth boundary amendments shall only occur within urban reserves unless it can be demonstrated that Statewide Planning Goal 14 cannot be met for the urban region through use of urban reserve lands. Urban Growth Boundary Amendment Process - Criteria for amending the urban growth boundary shall be derived from statewide planning goals 2 and 14 and relevant portions of the Regional Urban Growth Goals and Objectives.

**17.2.1. Major Amendments.** Proposals for major amendment of the UGB shall be made primarily through a legislative process in conjunction with the development and adoption of regional forecasts for population and employment growth. The amendment process will be initiated by a Metro finding of need, and involve local governments, special districts, citizens and other interests.

**17.2.2. Locational Adjustments.** Locational adjustments of the UGB shall be brought to Metro by cities, counties and/or property owners based on public facility plans in adopted and acknowledged comprehensive plans.

## **Objective 18. Urban Design**

The identity and functioning of communities in the region shall be supported through:

**18.i.** the recognition and protection of critical open space features in the region;

**18.ii.** public policies which encourage diversity and excellence in the design and development of settlement patterns, landscapes and structures; and

**18.iii.** ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern which:

**18.iii. a.** is pedestrian "friendly" and reduces auto dependence;

**18.iii. b.** encourages transit use;

**18.iii. c.** reinforces nodal, mixed use, neighborhood-oriented design;

**18.iii.d.** includes concentrated, high density, mixed use urban centers developed in relation to the region's transit system; and

18.iii.e. is responsive to needs for privacy, community and personal safety in an urban setting.

18.1. Pedestrian and transit supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

*Planning Activities:*

1. A regional landscape analysis shall be undertaken to inventory and analyze the relationship between the built and natural environments and to identify key open space, topographic, natural resource, cultural and architectural features which should be protected or provided as urban growth occurs.
2. Model guidelines and standards shall be developed which expand the range of tools available to jurisdictions for accommodating change in ways compatible with neighborhoods and communities while addressing this objective.
3. Light rail transit stops, bus stops, transit routes and transit centers leading to and within mixed use urban centers shall be planned to encourage pedestrian use and the creation of mixed use, high density residential development.

# Glossary

**Areas and Activities of Metropolitan Significance.** A program, area or activity having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response under ORS 268.390.

**Beneficial Use Standards.** Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin, as well as to the needs of local communities, are designated as "beneficial uses.". Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

**Economic Opportunities Analysis.** An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment growth needs.

**Exception.** An "exception" is taken for land when either commitments for use, current uses or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict resource protection requirements of those goals, and are thereby able to be used for other than rural resource production purposes. Lands not excepted from statewide planning goals 3 and 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must support their continued resource productivity.

**Family Wage Job.** A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.

**Fiscal Tax Equity.** The process by which inter-jurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

**Functional Plan.** A limited purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390.

**Housing Affordability.** The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies of the monthly income of the household need be spent on shelter).

**Infill.** New development on a parcel or parcels of less than one contiguous acre located within the urban growth boundary.

**Infrastructure.** Roads, water systems, sewage systems, systems for stormdrainage, bridges and other facilities developed to support the functioning of the developed portions of the environment.

**Key or Critical Public Facilities and Services.** Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks and solid waste disposal.

**Local Comprehensive Plan.** A generalized, coordinated land use map and policy statement of the governing body of a city or county that inter-relates all functional and natural systems and activities related to the use of land, consistent with state law.

**Metropolitan Housing Rule.** A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary. This rule establishes minimum overall net residential densities for all cities and counties within the urban growth boundary and specifies that 50 percent of the land set aside for new residential development be zoned for multifamily housing.

**Mixed-Use Urban Center.** A "mixed use urban center" is a designated location for a mix of relatively high density office space, commercial activity, residential uses and supporting public facilities and services, parks and public places. There will be a limited number of these centers designated in the region, and they will be characterized by design elements which work to minimize the need to make trips by automobile either to or within a center. State, regional and local policy and investment will be coordinated to achieve development and functional objectives for these centers.

**State Implementation Plan.** A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.

**Urban Form.** The net result of efforts to preserve environmental quality, coordinate the development of jobs, housing, and public services and facilities, and inter-relate the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form, and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.

**Urban Growth Boundary.** A boundary that identifies urban and urbanizable lands needed during the 20-year planning period to be planned and serviced to support urban development densities, and which separates urban and urbanizable lands from rural lands.

**Urban Reserve.** Area adjacent to the present urban growth boundary defined to be a priority location for any future urban growth boundary amendments when needed. Urban reserves are intended to provide cities, counties, other service providers and both urban and rural land owners with a greater degree of certainty regarding future regional urban form. Whereas the urban growth boundary describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional 30 years.

# Appendices

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BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE REPEALING THE	)	ORDINANCE NO. 91-418B
COLUMBIA REGION ASSOCIATION OF	)	
GOVERNMENTS LAND USE GOALS AND	)	Introduced by Executive
OBJECTIVES AND ADOPTING THE	)	Officer Rena Cusma and
REGIONAL URBAN GROWTH GOALS AND	)	Councilor Jim Gardner
OBJECTIVES	)	

WHEREAS Metro has been directed by the Oregon State Legislature (Oregon Revised Statutes Chapter 268, Section 380(1)) to develop land use goals and objectives for the Portland metropolitan region. Prior to adoption of those goals and objectives, the Columbia Region Association of Governments (CRAG) Goals and Objectives, adopted September 30, 1976 by the CRAG Board, have remained in effect by operation of 1977 Oregon Laws, Chapter 665 Section 25; and

WHEREAS Regional Goals and Objectives are intended to provide Metro with the policy framework needed to guide the District's regional planning program. All Metro functional plans and its management of the Urban Growth Boundary must be consistent with the District's goals and objectives; and

WHEREAS Metro has forecasted population growth of about 310,000 within the existing urban growth boundary between 1989 and 2010. In addition, the changes accompanying urban growth have begun to affect quality of life in the region. This kind of growth and these kinds of changes are not unique to this region. However, maintaining the livability of this region as it grows requires a fundamental examination of the policy framework used by Metro to guide its regional planning; and

ORDINANCE NO. 91-418B - Page 1

WHEREAS To comply with its statutory requirements and in recognition of the challenges posed by urban growth, Metro elected to begin development of Regional Urban Growth Goals and Objectives in March of 1989. Policy and Technical Advisory Committees were formed, and have met continuously since then.

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Regional Urban Growth Goals and Objectives, included in this ordinance as Exhibit A, are hereby adopted as Metro's regional land use goals and objectives.

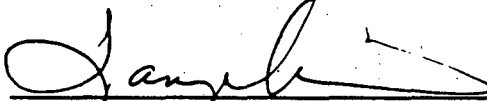
Section 2. The existing Urban Growth Management Policy Advisory Committee shall be replaced by the Regional Policy Advisory Committee upon Metro Council appointment implementing the Regional Urban Growth Goals and Objectives. The Joint Policy Advisory Committee on Transportation (JPACT) shall continue to operate as the forum for evaluating transportation needs and recommending funding for Metro both as the federal Metropolitan Planning Organization and for Metro's transportation functional plan. Other existing Policy Advisory Committees, established by ordinance or resolution to advise Metro about adopted or proposed functional plans, shall continue in their assigned roles until Metro Council action upon completion of assigned tasks.

Section 3. Metro's goals and objectives are consistent with the Statewide Land Use Planning Goals. Findings of consistency, included in this ordinance as Exhibit B, are hereby adopted.



Section 4. The CRAG Goals and Objectives, adopted September 30, 1976 by the CRAG Board, are hereby repealed and replaced by the Regional Urban Growth Goals and Objectives.

ADOPTED by the Council of the Metropolitan Service District  
this 26th day of September, 1991.

  
Tanya Collier, Presiding Officer

ATTEST:

  
Clerk of the Council

ES/es  
7/30/91  
9/16/91/pa  
10/1/91/pa

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

A RESOLUTION ADOPTING BYLAWS	)	RESOLUTION NO. 91-1489B
FOR THE REGIONAL POLICY	)	
ADVISORY COMMITTEE	)	Introduced by the Executive
	)	Officer

WHEREAS Metro's regional planning program requires a partnership with cities, counties, and citizens in the region; and

WHEREAS That partnership is described in Goal I of the Regional Urban Growth Goals and Objectives, recommended to the Metro Council for adoption by the Urban Growth Management Plan Policy Advisory Committee; and

WHEREAS Implementation of that partnership is intended to occur, in large part, through the creation of an on-going Regional Policy Advisory Committee (RPAC) to advise and recommend actions to the Metro Council on ways to address areas and activities of metropolitan significance; and

WHEREAS The Urban Growth Management Plan Policy Advisory Committee has prepared and proposed to the Metro Council a set of by-laws for RPAC which describe the membership, powers and duties of that committee; now, therefore,

BE IT RESOLVED,

1. That the by-laws for the Regional Policy Advisory Committee, dated August 1, 1991, and attached to this resolution as Attachment A, are hereby adopted.

2. That the Metro Council directs the Presiding Officer to initiate the creation of the Regional Policy Advisory Committee no later than January 1, 1992.

ADOPTED BY THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT  
this 26th day of September, 1991.

  
\_\_\_\_\_  
Tanya Collier, Presiding Officer

## ATTACHMENT A

### Regional Policy Advisory Committee By-Laws

August 1, 1991

#### Article I

This committee shall be known as the **REGIONAL POLICY ADVISORY COMMITTEE (RPAC)**.

#### Article II MISSION AND PURPOSE

**Section 1.** It is the mission of RPAC to advise and recommend actions to the Metro Council as it creates and implements a participatory regional planning partnership to address areas and activities of metropolitan significance.

**Section 2.** The purposes of RPAC are as follows:

- a. To provide advice and recommendations for the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans, and periodic review of the region's urban growth boundary.
- b. To create a forum for identifying and discussing areas and activities of metropolitan significance.
- c. To involve all cities, counties, and other interests in the development and implementation of growth management strategies.
- d. To coordinate its activities with the Joint Policy Advisory Committee on Transportation (JPACT) so that regional transportation planning is linked and consistent with regional growth management efforts.
- e. To review and comment, as needed, on the regional land use and growth management issues affecting or affected by local comprehensive plans or plans of state and regional agencies. RPAC is not intended to routinely review land use decisions or plan amendments in the region.
- f. To discuss and make recommendations on land use and growth management issues of regional or subregional significance.
- g. To establish a coordinating link with Vancouver and Clark County, Washington, and other parts of the state of Oregon to address land use and growth management issues of common interest.

**Article III.**  
**COMMITTEE MEMBERSHIP**

**Section 1. Membership**

a. The Committee will be made up of representatives of the following:

Multnomah County Commission	1
Citizens of Multnomah County	1
Largest City in Multnomah County (excluding Portland)	1
Cities in Multnomah County	1
 City of Portland	 2
 Clackamas County Commission	 1
Citizens of Clackamas County	1
Largest City in Clackamas County	1
Cities in Clackamas County	1
 Washington County Commission	 1
Citizens of Washington County	1
Largest City in Washington County	1
Cities in Washington County	1
 Metro Council	 2
 State Agency Council	 1
 TOTAL	 17

b. Members from jurisdictions shall be elected officials.

c. Alternates shall be appointed to serve in the absence of the regular members.

d. Members and alternates shall be capable of representing the policy interests of their jurisdiction, agency, or constituency at all meetings of the Committee.

**Section 2. Appointment of Members and Alternates**

a. Members and alternates from the City of Portland, the Counties of Multnomah, Clackamas, and Washington, and the largest cities of Multnomah, Clackamas, and Washington counties, excluding Portland, shall be appointed by the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington counties, excluding Portland and the remaining largest city from each county, will be appointed by those cities represented and in a manner to be determined by those cities. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office.

c. Members and alternates from the Metropolitan Service District will be appointed by the Presiding Officer of the Metro Council and will represent a broad cross-section of geographic areas. The members and alternates will serve until removed by the Presiding Officer of the Metro Council.

d. Members and alternates representing citizens will be appointed using the following process:

- 1) Metro will advertise citizen openings on the Committee throughout the region, utilizing, at a minimum, recognized neighborhood associations and citizen planning organizations. Interested citizens will be asked to submit an application/statement of interest on forms provided by Metro.
- 2) Metro will collect the applications and sort them by county.
- 3) The members of RPAC from within each county will caucus by county, with Portland included in Multnomah County, to review the applications and select a citizen member and alternate from each county from that pool of applicants.
- 4) Citizen members and alternates will serve two-year terms. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

e. Members and alternates from the State Agency Council will be chosen by the Chairperson of that body. The member and alternate will serve until removed by the Chairperson.

#### Article IV.

#### MEETINGS, CONDUCT OF MEETINGS, AND QUORUM

a. Regular meetings of the Committee shall be held monthly at a time and place established by the Chairperson. Special or emergency meetings may be called by the Chairperson or a majority of the members of the Committee.

b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for RPAC may be appointed by the Chairperson. The Chairperson will consult with the full membership of the Committee at a regularly scheduled meeting on subcommittee membership and charge. Subcommittee members shall include RPAC members and/or alternates, and can include outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to notify the appointing body with a request for remedial action.

g. The Committee shall make its reports and findings public and shall forward them to the Metro Council.

h. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence, and public information.

**Article V.  
OFFICERS AND DUTIES**

- a. The Chairperson and Vice-Chairperson shall be designated by the Metro Presiding Officer.
- b. The Chairperson shall preside at all meetings, and shall be responsible for the expeditious conduct of the Committee's business.
- c. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson.

**Article VI.  
TECHNICAL ADVISORY COMMITTEES**

- a. The Committee shall solicit and take into consideration the alternatives and recommendations of the appropriate technical advisory committees in the conduct of its business.
- b. Existing technical advisory committees for solid waste, urban growth management, water resources, and natural areas will be continued to advise on their respective subject areas.
- c. The Metro Council or the Committee can appoint special technical advisory committees as the Council or Committee determine a need for such bodies.

**Article VII.  
AMENDMENTS**

- a. These by-laws may be amended by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

**Article VIII.  
SUNSET**

- a. These by-laws shall be deemed null and void three (3) years from the date of their adoption by the Metro Council.
- b. Prior to adopting new by-laws for RPAC, the Metro Council, in consultation with the Committee shall evaluate the adequacy of the membership structure included in these by-laws for representing the diversity of views in the region.

## Region 2040: Transportation & Land Use Concepts, Phase I

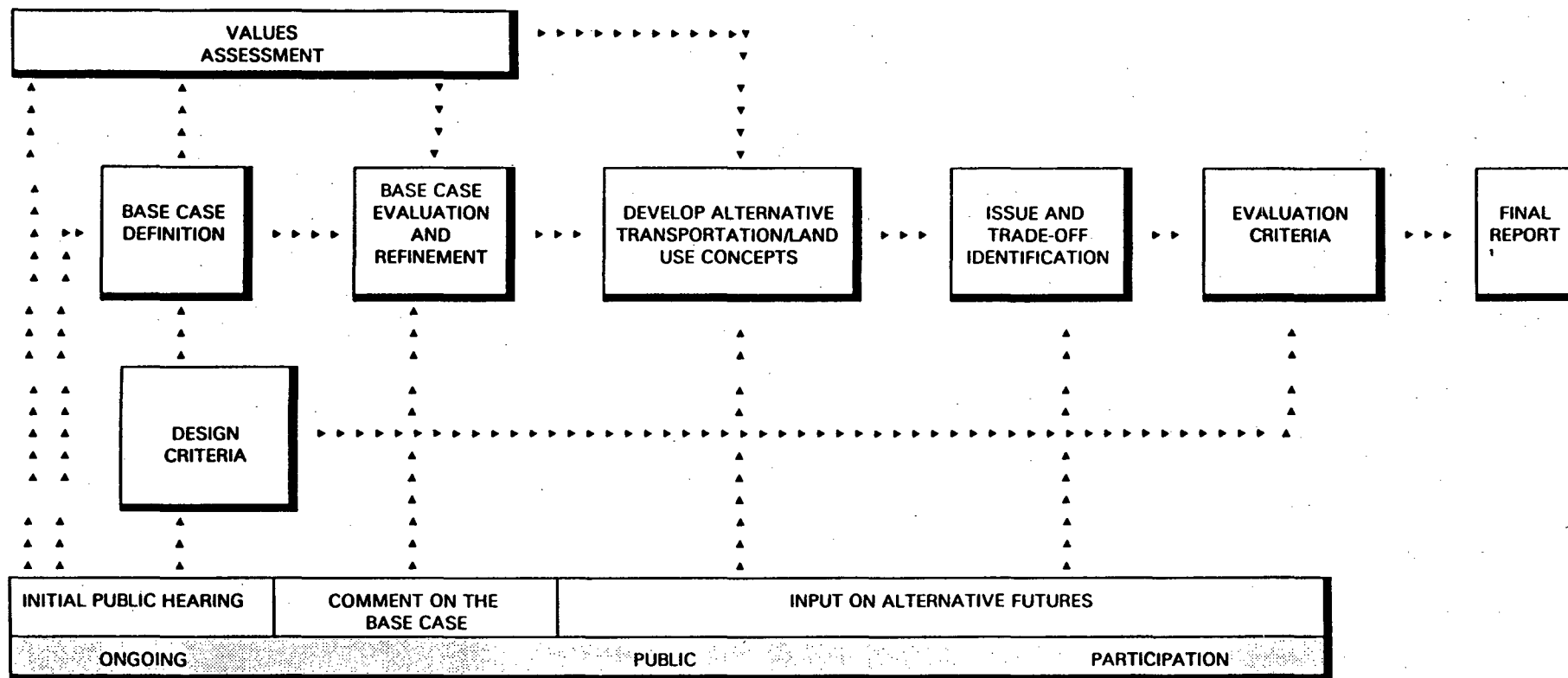
<b>PURPOSE</b>	To better understand how to accommodate the expected growth within the region in the next 50 years and the choices that may be involved. This is a result of and recommendation from the Regional Urban Growth Goals and Objectives (RUGGO), recently adopted by Metro. The project is intended to provide a more detailed consideration of how the RUGGO could be implemented.
<b>PRODUCTS</b>	Displays of: 1) the current transportation and land use plans for accommodating growth within the region; 2) up to 5 additional regional transportation and land use development alternatives; 3) criteria with which to evaluate the alternatives.
<b>PARTICIPANTS</b>	The project will strive to include participation from citizens, cities and counties of the region, special districts, business and trade organizations, environmental organizations as well as Metro formal organizations (RPAC, JPACT and their technical committees) and the Metro Council.
<b>TIMING</b>	Phase I of project is expected to be a 12 month effort, beginning December, 1991.
<b>FUNDERS</b>	This work effort is funded by the Oregon Department of Transportation (ODOT), Tri-Met and Metro.
<b>NEXT STEPS</b>	Once Phase I is completed, a detailed evaluation will be made of each alternative and a selection of the best alternative.
<b>DETAILS</b>	For more information, please contact Ethan Seltzer or Mark Turpel at Metro, Planning and Development Department, 2000 SW First Avenue, Portland, OR 97201. Telephone: 503/221-1646.

METRO



# Region 2040: Transportation and Land Use Study, Phase I

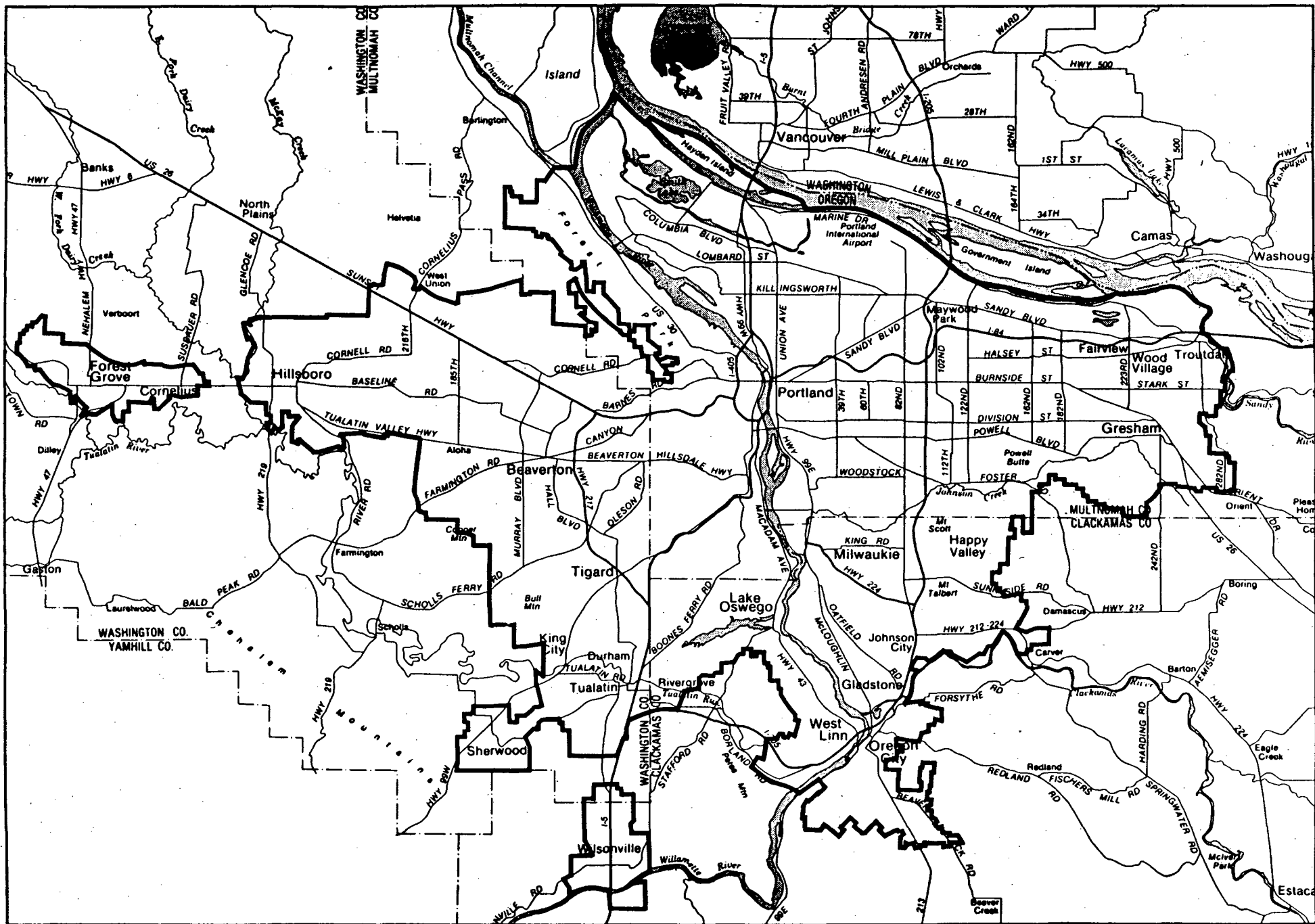
48



**METRO**  
 2000 S.W. First Avenue  
 Portland, OR 97201  
 503/221-1646

<sup>1</sup> The final product will consist of camera-ready: 1) tabloid; 2) final report and 3) final technical report.

#15area2.dta 7/26/91



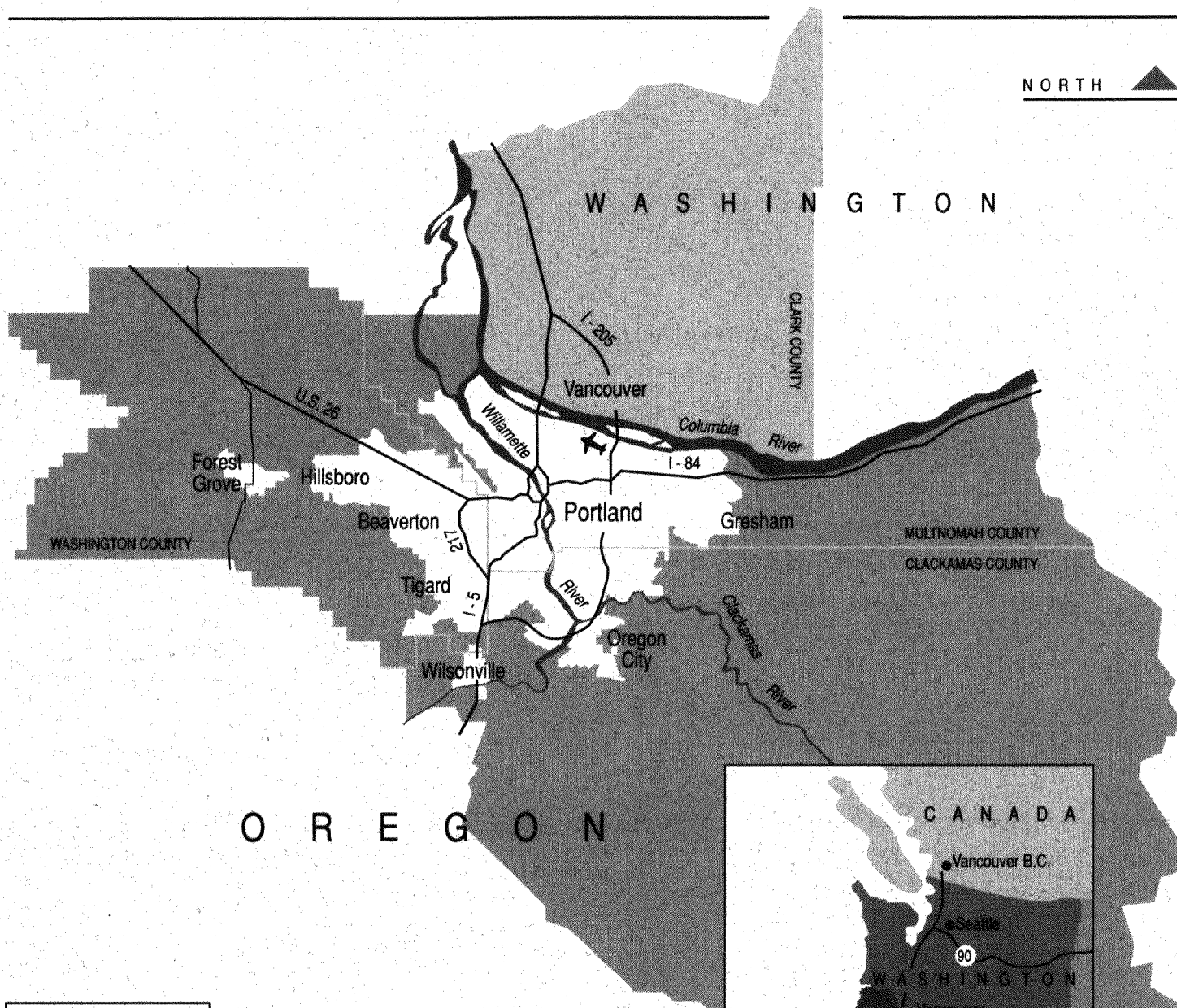
**METRO**

*Urban Growth Boundary*

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 3-87-01

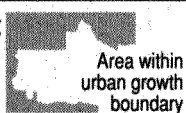
NORTH

WASHINGTON



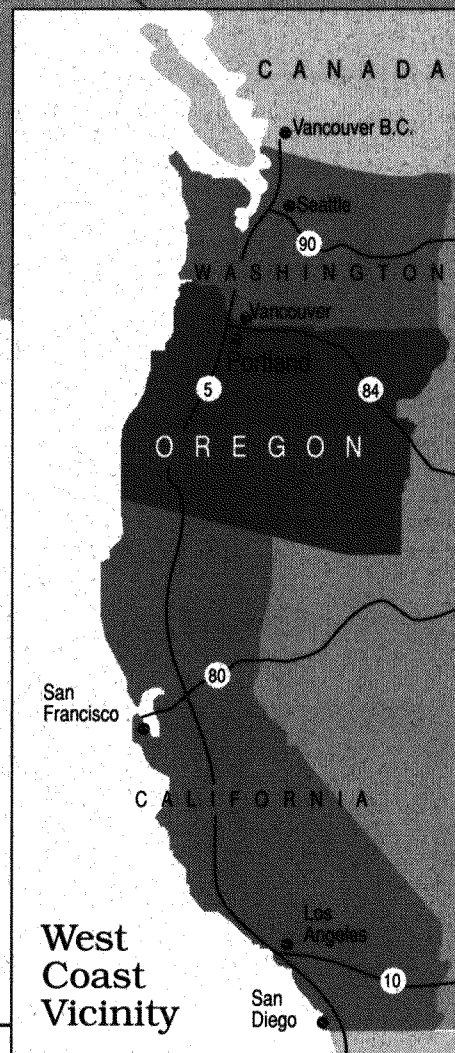
OREGON

Key:



Area within  
urban growth  
boundary

# Portland Metropolitan Region



West  
Coast  
Vicinity



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*Regional Urban Growth  
Goals and Objectives*