

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

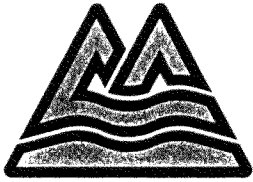
Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following April 1, 1991 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

1. PD 1-91 APPROVE, SUBJECT TO CONDITIONS, Requested Change in Zone Designation From RR, Rural Residential District to RR, P-D, Rural Residential, Planned-Development District;
LD 7-91 APPROVE, SUBJECT TO CONDITIONS, Request for a 13-Lot Single Family Residential Land Division, all for Property Located at 5055 East Powell Boulevard

ACCEPTED.



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

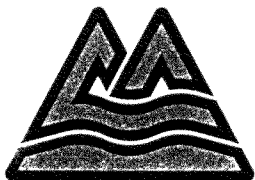
Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following April 1, 1991 Decisions of the Planning Commission are Reported to the Board of County Commissioners for Acknowledgement by the Presiding Officer:

2. CS 2-91 APPROVE, SUBJECT TO CONDITIONS, Modification of the Community Service Designation of the Described Property to Allow up to a Maximum of 16 On-Site Residents Plus 4 Temporarily Housed on an Occasional Basis, for Property Located at 14917-15005 SE Division Street

ACKNOWLEDGED.



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

Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following April 1, 1991 Decisions of the Planning Commission are Reported to the Board of County Commissioners for Acknowledgement by the Presiding Officer:

3. CU 5-91 APPROVE, SUBJECT TO CONDITIONS, Conditional Use Request to Allow Development of the Subject Property with a Non-Resource Related Single Family Residence, for Property Located at 6175 NW Thompson Road

ACKNOWLEDGED.



MULTNOMAH COUNTY OREGON

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

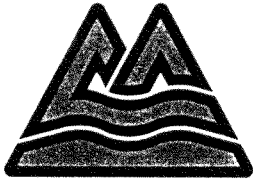
GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

4. RB 1-91 RESOLUTION in the Matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Lincoln & Allen Bindery

TESTIMONY HEARD. RESOLUTION 91-54 APPROVED.



MULTNOMAH COUNTY OREGON

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

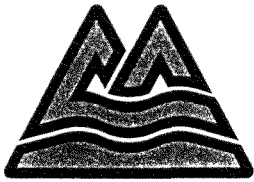
GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

5. C 2-91 First Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Amending Regulations Applicable to Grading and Filling Activities, and Clarifying Standards Applicable to Land Disturbing Activities within the Tualatin River Drainage Basin, and Declaring an Emergency

TESTIMONY HEARD. ORDINANCE 677 APPROVED.
STAFF TO PREPARE AND SUBMIT A PROPOSED
ORDINANCE FOR PROTECTION OF THE BALCH CREEK
AREA AS SOON AS POSSIBLE.



MULTNOMAH COUNTY OREGON

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

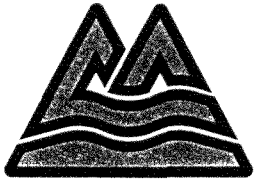
GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

6. C 3-91a First Reading of an ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Restricting the Planned Development Subdistrict to the Urban and RC, RR and MUA-20 Rural Districts

TESTIMONY HEARD. FIRST READING APPROVED.
SECOND READING SCHEDULED FOR TUESDAY, APRIL 30, 1991.



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

Tuesday, April 23, 1991 - 9:30 AM
Multnomah County Courthouse, Room 602

PLANNING ITEMS

7. Business Certificate Application/Renewal Submitted by
Planning Office with Recommendation for Approval as
Follows:
Division Street Auto Parts U-Pull-It Division, 13231 SE
Division, Portland (Continued from March 28, 1991)

CONTINUED TO TUESDAY, APRIL 30, 1991.

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal

(date)

BCC Formal

April 23, 1991

(date)

DEPARTMENT

DES

DIVISION

Planning

CONTACT

Sharon Cowley

TELEPHONE

2610

PERSON(S) MAKING PRESENTATION

R. Scott Pemble

ACTION REQUESTED:

□

INFORMATIONAL ONLY



POLICY DIRECTION

XX

APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

1 Minute

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

XX

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

PD 1-91/LD 7-91 Decision of the Planning Commission of April 1, 1991 with recommendation to the Board for Approval, Subject to Conditions

(If space is inadequate, please use other side)

SIGNATURES:

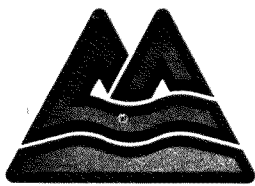
ELECTED OFFICIAL

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

CLERK OF
COUNTY COMMISSIONERS
1991 APR 16 PM 1:40
MULTNOMAH COUNTY
OREGON



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

BOARD OF COUNTY COMMISSIONERS

Tuesday, April 23, 1991

9:30 a.m., Room 602

A G E N D A

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

- PD 1-91** **Approve, subject to conditions** requested change in zone designation from RR, rural residential district to RR, P-D, rural residential, planned-development district;
- LD 7-91** **Approve, subject to conditions**, request for a 13-lot single family residential land division, all for property located at **5055 East Powell Blvd.**

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

- CS 2-91** **Approve, subject to conditions**, modification of the Community Service designation of the described property to allow up to a maximum of 16 on-site residents plus 4 temporarily housed on an occasional basis, for property located at **14917-15005 SE Division Street**
- CU 5-90** **Approve, subject to conditions**, conditional use request to allow development of the subject property with a non-resource related single family residence, for property located at **6175 NW Thompson Road.**

Other Items for Board Action:

RB 1-91 In the Matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Lincoln and Allen Bindery, located at **3033 NW Yeon Street.**

C 2-91 A proposed Ordinance amendment to MCC Chapter 11.15 regarding Erosion Control Provisions and Tualatin River Drainage Basin Regulations for Stormwater Runoff and Protection of Streams and Drainageways

(First Reading)

C 3-91a A proposed Ordinance amendment to MCC Chapter 11.15 to restrict application of the Planned-Development Subdistrict to the urban and RC, RR and MUA-20 rural zoning districts

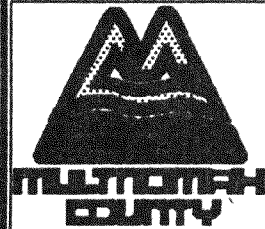
(First Reading)

Auto Wrecker's License - Renewal

Submitted to the Board with recommendation that same be approved:

Division Street Auto Parts
U-Pull It Division
13231 SE Division Street

This item was before the Board on March 28, 1991 and continued to this date for additional information.



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

Decision

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

April 1, 1991

PD 1-91, #610
LD 7-91, #610

Preliminary Planned Development
Thirteen Lot Single-Family Residential Subdivision

Applicant requests change in zone designation from RR, Rural Residential to RR, P-D, Planned-Development for a proposed 13-lot single family residential land division, with open space, owned by a Homeowners' Association. Access to the proposed lots would be from East Powell Blvd. via a private cul-de-sac street on-site.

Location: 5055 East Powell Blvd.

Legal: Tax Lot '31', Sec. 12, 1S-3E, Plus South 56' of
Tax Lot '32', Sec. 12, 1S-3E, 1990 Assessor's Map

Site Size: 65 Acres

Size Requested: Same

Property Owner: ML McKeel/Joanne MacGregor
108 NE Second Street, Gresham, 97030

Applicant: ML McKeel
108 NE Second Street, Gresham, 97030

Comprehensive Plan: Rural Residential

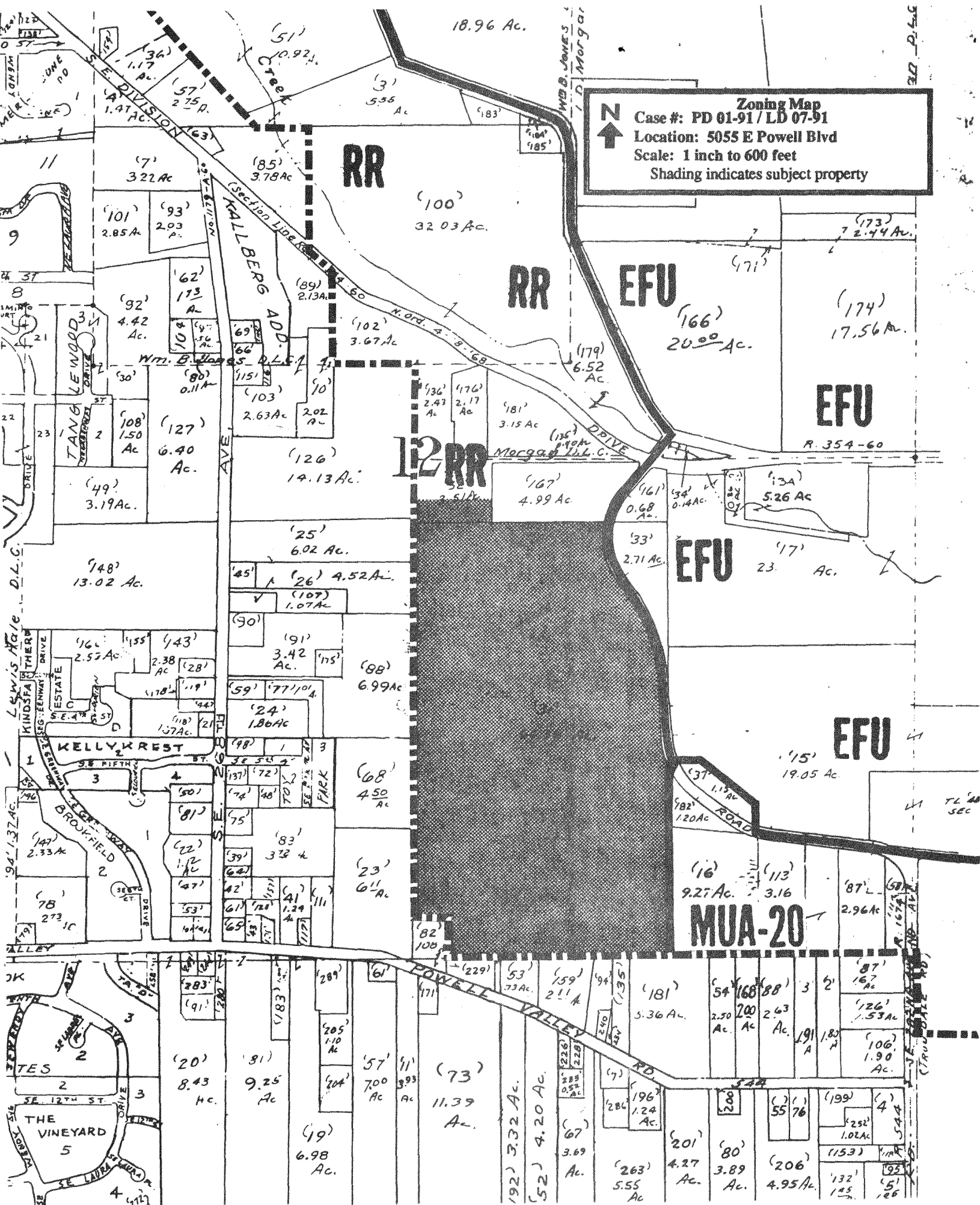
Present Zoning: RR, Rural Residential District
Permits single family homes on lots of 5 acres or more

Sponsor's Proposal: RR, Rural Residential-Planned-Development District
Planned-Development permits the development of properties to a pre-determined plan to provide flexibility and diversification in design and economies in land development

PLANNING COMMISSION DECISION

- #1** **Approve**, subject to conditions, the requested PD designation of the site described above based on the following findings and conclusions.
- #2** **Approve**, subject to conditions, the land division of the site described above based on the following findings and conclusions.

PD 1-91/LD 7-91



Conditions of Approval (PD 1-91 and LD 7-91)

1. Within one year of the effective date of Board of County Commissioners decision, approving this request, deliver the Final Plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please obtain applicant's and surveyor's *Instructions for Finishing a Type I Land Division*.**
2. Approval of the Planned Development shall be void after four years from the effective date of the Board of County Commissioners' decision approving this request unless the applicant has obtained final Design Review approval in accordance with Condition 10 and has expended at least ten percent of the dollar cost of the total project value for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC 11.15.9025(A) or .9027(A).
3. Prior to submitting the Final Plat and Final Development Plan and Program, obtain Planning Division approval of, and record, a Lot Line Adjustment to incorporate the southerly 52 feet of Tax Lot 32, Section 13, Township 1 South, Range 3 East into the subject site.
4. County Planning Division approval of the Final Plat and Final Development Plan and Program shall be conditioned upon receipt of a corresponding approval from the City of Gresham of that portion of the development that is within the Gresham city limits.
5. On the Final Plat, show a one-foot non-access reservation where the site abuts SE Troutdale Road.
6. Prior to Planning Division endorsement of the Final Plat, submit a Declaration of Covenants and Restrictions that:
 - A. provides for maintenance of Tract B as perpetual open space as designated on the Tentative Plan Map; and
 - B. provide that any future residential development in Tract A may occur only after the Metropolitan Service District Urban Growth Boundary is changed to include the site, **and** the site is annexed to the City of Gresham, **and** appropriate City Comprehensive Plan and/or zoning designations are applied to the site; and
 - C. establishes the homeowners' association responsible for maintaining all common areas, including the private street system.
7. Place a disclosure on the face of the Final Plat and modify the Declaration of Covenants and Restrictions to advise owners of lots abutting the private street shown on the Tentative Plan Map that those owners waive any right to expect Multnomah County at any time in the future to:
 - A. Assume jurisdiction over the street,

- B. Maintain the street in any manner including but not limited to cleaning or removal of snow or ice, or
- C. Repair the street in any manner.

This condition shall not apply if the private street is redesigned and built to Multnomah County Standards with respect to right-of-way and pavement width, grade and specifications for pavement, curbs, sidewalks and other improvements as approved by the County Engineer in accordance with the Street Standards Ordinance (MCC 11.60).

- 8. Prior to issuance of building permits for any lot, apply for and obtain a Land Feasibility Study confirming the ability to use on-site sewage disposal system on that lot.
- 9. In conjunction with issuance of building permits for any lot construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
- 10. Prior to issuance of building permits for individual lots, complete the County Design Review procedures for landscaping and other common area improvements and complete those improvements. Contact Mark Hess at 248-3043 for additional information.
- 11. Prior to issuance of the first building permit, record the Declaration of Covenants and Restrictions for the Arrow Creek Planned Development and provide proof of said recording to the Planning and Development Division.
- 12. Prior to endorsement of the Final Plat, provide written confirmation from the City of Portland Water Bureau that the proposed development will not interfere with the functioning of the water line located in the 33-foot wide easement shown on the Tentative Plan Map and recorded in Multnomah County Deed Records in Book 165, Page 276 on August 25, 1891. Specific items to be addressed include
 - A. Construction, maintenance and repair of the private street
 - B. Planting of vegetation in the area over the water line
 - C. Location of septic tank drain fields

Findings of Fact: (PD 1-91)

NOTE: The applicant has provided a narrative statement in response to the PD Preliminary Development Plan and Program requirements and the Planned Development and Land Division approval criteria. In this section, quoted portions of the applicant's material, including responses to the approval criteria, are in helvetica type. Staff discussion of applicant responses appear in paragraphs titled **Staff Comment**. Quoted ordinance language appears in ***bold italic type***. The exhibit numbers appearing in the

applicant's narrative refer to documents that are part of the application. Those documents are on file in the Planning Division office.

1. Applicant's Proposal:

- A. **General Description:** The applicant, Michael McKeel, requests approval of a Preliminary Development Plan and Program for a Planned Development (PD) and a Tentative Plan for a 65-acre subdivision in the RR, Rural Residential zone. The Preliminary Development Plan and Program/Tentative Plan Map appears at the beginning of this report. The applicant proposes 13 lots for detached single family houses plus about 52 acres (including a private street) of open space. The applicant proposes to develop the project in a single phase.

Applicant proposes completion of a half-street improvement along the frontage of Powell Valley Road including curbs and sidewalks. The north-south road into the project and fronting all lots shall be a privately maintained roadway, 32 feet in width with curbs and storm drains. If sanitary sewer is made available by the City of Gresham, an 8-inch sanitary line shall be included in the roadway. An 8-inch waterline may or may not be located in the private roadway.

Street trees shall be clustered at the entry and along the west side of the private roadway. We would propose trees of indigenous varieties that exist presently on the property. Those varieties may include Red Maple, Douglas Fir, Western Hemlock or Hogan Cedars.

- B. **Comprehensive Plan and Zoning:** The County Comprehensive Plan designates the site as Rural Residential and the zoning is RR, Rural Residential District.

2. Site and Vicinity Information

- A. The site adjoins the Gresham city limits and the Metropolitan Service District Urban Growth Boundary (UGB) on the west and south. The site abuts SE Troutdale Road on the east. Street access to the site will be from East Powell Boulevard (SE Powell Valley Road) over a lot that is owned by the applicant and is within the Gresham city limits,
- B. **Slope:** Some parts of the site are steep, with slopes exceeding 25 percent. However, those areas are part of the proposed open space. Average slopes on the proposed lots are between 3 and 13 percent.

3. Ordinance Considerations:

- A. In approving the Preliminary Development Plan and Program for a Planned Development (PD) the Planning Commission must find that the following approval criteria are satisfied:

- (1) *The requirements of MCC .8230(D) (3), which requires that the proposed action fully accords with the applicable elements of the Comprehensive Plan [MCC 11.15.6206(A)(1)];*
- (2) *The applicable provisions of MCC 11.45 the Land Division Chapter [MCC 11.15.6206(A)(2)];*
- (3) *That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes stated in MCC .6200 [MCC 11.15.6206(A)(3)]*
- (4) *That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal [MCC 11.15.6206(A)(4)].*
- (5) *The provisions of MCC .6214, This section pertains to the relationship of the Planned Development to the environment and reads as follows:*
 - (a) *The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.*
 - (b) *The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.*
 - (c) *The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.*
 - (d) *The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring*

road systems, buildings, structures and use [MCC 11.15.6206(A)(5)].

- (6) *That the proposed development can be substantially completed within four years of the approval or according to the development stages proposed under MCC .6220.*

That section provides that:

- (a) *The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.*
- (b) *In acting to approve the Preliminary Development Plan and Program, the Planning Commission may require that development be completed in specific stages if public facilities are not otherwise adequate to service the entire development [MCC 11.15.6206(A)(6)].*
- (7) *The Development Standards of MCC .6212 [minimum site size], .6216 [open space] and .6218 [density computation][MCC 11.15.6206(A)(7)].*
- (8) *The purposes stated in MCC .6200; [MCC 11.15.6206(A)(8)] and*
- (9) *That modifications or conditions of approval are necessary to satisfy the purposes stated in MCC .6200[MCC 11.15.6206(A)(9)].*

4. **Response to Approval Criteria:**

A. **Planned Development Approval Criteria (MCC 11.15.6206)**

- (1) *. . . the proposed action fully accords with the applicable elements of the Comprehensive Plan [MCC 11.15.6206(A)(1)]* Following are the policies of the Comprehensive Plan that apply to the proposal.

- (a) **Policy 13, Air and Water Quality and Noise Levels**

Applicant's Response

The proposed development will not substantially increase air pollution. Existing ambient pollution levels are affected by metro-wide activities. There will be thirteen residences, and given this number, it should not be expected that measurable effects would be incurred area-wide.

Water quality will not be affected as it will be served by a public water system and an approved subsurface sewage disposal system. Storm water will be discharged to the existing stream system on the site.

Given that only thirteen homesites will be constructed on this site, noise generated by the development will be less than those typical of the adjacent residential developments.

Staff Comment:

The County Sanitarian will require a Land Feasibility Study for each lot before allowing an on-site sanitation system in conjunction with building permits for that lot unless public sewer becomes available to the site. For this reason and those stated by the applicant the proposal complies with Policy 13.

(b) Policy 14, Development Limitations

Applicant's Response:

This policy is concerned with mitigating or limiting the impacts of developing areas that have the following characteristics:

- 1) slopes exceeding 20%;
- 2) severe soil erosion potential;
- 3) land within the 100 year floodplain;
- 4) high seasonal water table;
- 5) a fragipan less than 30" from the surface;
- 6) land subject to slumping earthslides, or movement.

These geotechnical considerations are not found nor are areas found exhibiting these characteristics on the site within the area to be developed. All development will occur well away from any sensitive conditions listed above.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 14.

(c) Policy 15, Areas of Significant Environmental Concern

Applicants Response

This site will be developed more than 1,000 feet from the tributary to Beaver Creek. Development within 100 feet of the normal high water level would require permits under MCC 11.15.6404(C). The site therefore would not require an SEC permit.

Staff Comment:

There is a tributary of Beaver Creek on the site. Under MCC 11.15.6404(C), any building, structure or physical improvement within 100 feet of the normal high water level of a Class 1 stream requires a Significant Environmental Concern (SEC) permit. Beaver Creek is a Class 1 stream as defined by the State Forest Practices Rule. Obtaining of appropriate SEC permits would be necessary for site work or building within 100 feet of the tributary creek on the site. However, that creek is within the area designated by the applicant as perpetual open space, so no activity that would necessitate an SEC permit is anticipated. For these reasons, the proposal satisfies Policy 15.

(d) Policy 19, Community Design

Applicant's Response

This development shall be subject to any required design review process, as a condition of approval.

Staff Comment: Compliance with county Design Review requirements is a condition of approval with respect to landscaping and other open space improvements. For this reason, the proposal satisfies Policy 19.

(e) Policy 20, Arrangement of Land Uses

Applicant's Response

This policy seeks to assure a complimentary blend of uses, to reinforce community identity, to create a sense of pride and belonging, and to maintain or create neighborhood long-term stability.

This development will create a sense of community identity in that it will create a unique and outstanding living environment that will give positive effects to neighboring properties. It will create a significant

benefit in open space much like a park would benefit a neighborhood. The large lots with views of the mountains will give a sense of community pride even to non-owners.

Staff Comment:

By developing the site under the Planned Development approach instead of using the traditional standard subdivision approach with five-acre lots, the current proposal clusters the allowable number of houses on the part of the site with the least slope, away from the natural and scenic resources along the creek. For these reasons and those stated by the applicant, the proposal satisfies Policy 20.

(f) Policy 21, Housing Choice

Applicant's Response

This policy is concerned with providing a variety of housing choices to the citizens of Multnomah County.

Both the City of Gresham and surrounding suburban areas have expressed concerns that housing of the nature provided by this development is in short supply and negatively affects economic development. By providing the type of development intended by this project, indirect economic benefits to the whole community may be realized.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 21.

(g) Policy 22, Energy Conservation

Applicant's Response

This property is served by public transportation, and solar access can be accomplished on the created lots because of their 130-foot widths.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 22.

(h) **Policy 24, Housing Location**

Applicant's Response

- 1) There is direct access to the project from Powell Valley Road, a public collector street.
- 2) Site access will not create a dangerous intersection due to existing speed limits and adequate clear vision areas.
- 3) Public transportation is available on Powell Valley Road.
- 4) The site size and shape can accommodate easily the size and number of lots proposed.
- 5) The lots qualify for exceptions under MCC 11.15.6805 regarding solar access. Exceptions are granted for the purpose of maintaining views of Cascade volcanic peaks.
- 6) The outstanding natural features of the site are incorporated into the design of the site. The heavily wooded areas are maintained and the streams and adjacent vegetation are protected by covenants and restrictions.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 24.

(i) **Policy 35, Public Transportation**

Applicant's Response

Regarding transportation, this site is served by Tri-Met on Powell Valley Road with daily bus service and is easily accessible to freeways via Troutdale Road to the east. The small number of homesites in this design should have a negligible impact on transportation services.

Staff Comment:

Tri-Met line #80 provides service on SE Powell Valley Road. For the reasons stated by the applicant, the proposal satisfies Policy 35.

(j) **Policy 36, Transportation System Development Requirements**

Applicant's Response

This proposal agrees to a half-street improvement on Powell Valley Road on the frontage of Tax Lot 229. This particular tax lot shall be totally used for grass and tree plantings as an entrance to this planned development.

Staff Comment:

The design of the proposed private cul-de-sac street is similar to County standards for a local service street in terms of right-of-way and pavement width and curb and sidewalk construction. As requested by the City of Gresham, the applicant has prepared a future street plan showing how traffic circulation might be accommodated for possible future development inside the city limits west of the site. Although that future street plan does not show a direct connection between the proposed development and possible future streets within the city limits, termination of the cul-de-sac bulb at the west edge of the site provides an opportunity for westward extension if such an extension is found to be appropriate in the future.

A condition of approval requires the recording of deed restrictions that communicate to owners of lots abutting the private street that the County will not accept the street in the future or take responsibility for its cleaning or maintenance or snow removal.

Subject to the above-stated conditions of approval and for the reasons stated by the applicant, the proposal satisfies Policy 36.

(k) **Policy 37, Utilities**

Applicant's Response

This proposed development shall be serviced by approved subsurface sewage disposal systems and Lusted Water District water. There is adequate topography to channel storm water on this site.

Energy supplies from Portland General Electric are adequate to the site. Telephone and cable TV are

additionally available to the site. Northwest Natural gas is available from Powell Valley Road.

Staff Comment:

The Lusted Water District has verified that water service is available to the property from an 8-inch line in SE Troutdale Road and Division Streets. The County Sanitarian will require a Land Feasibility Study for each lot before allowing an on-site sanitation system in conjunction with building permits for that lot unless public sewer becomes available to the site. Provision for on-site storm drainage is a condition of approval. For these reasons and those stated by the applicant, the proposal complies with Policy 37.

(l) Policy 38, Facilities

Applicant's Response

The site lies within the Powell Valley Grade School, Gordon Russell Middle School, and Sam Barlow High School attendance areas. Both school districts anticipate and plan to accommodate additional student populations.

Lusted Water District water pressure appears adequate for fire fighting purposes.

The site is served by Multnomah County Sheriff and Fire District 10. Both police and fire service have intergovernmental agreements with the City of Gresham for emergency response to this site.

Staff Comment:

The design of the proposed private cul-de-sac street allows adequate emergency vehicle turning space. The location of the cul-de-sac bulb at the west edge of the site allows for emergency access from the west. For these reasons and those stated by the applicant, the proposal satisfies Policy 38.

(m) Policy 39, Open Space

Applicant's Response

As has been discussed in this proposal, 52 acres of this site shall remain in open space. Applicant has proposed to Multnomah County a recreation

easement along the tributary system to Beaver Creek. The applicant further is in negotiations with the Trust for Public Lands to create and administer deed restrictions for the balance of the open space.

Staff Comment: For the reasons stated by the applicant, the proposal satisfies Policy 39.

- (2) . . . *applicable provisions of MCC 11.45 the Land Division Chapter* [MCC 11.15.6206(A)(2)]; Please refer to Findings under LD 7-91
- (3) . . . *exceptions from the standards or requirements of the underlying district . . . as related to the purposes stated in MCC .6200* [MCC 11.15.6206(A)(3)]

Applicant's Response

This PD requires no exceptions as to density, calculating for 5-acre minimum lot sizes. The lot size exceptions are warranted because it allows clustering of homes and therefore minimizes the impact on steep slopes and sensitive environmental features of the site.

Staff Comment

For the reasons stated by the applicant, the proposal satisfies MCC 11.15.6206(A)(3)

- (4) . . . *system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal* [MCC 11.15.6206(A)(4)].

Applicant's Response

The applicant will create open space and preserve it by means of deed restrictions and the formation of a homeowners' association empowered to assess its members for the cost of maintenance of the common area.

Staff Comment

Submission of deed restrictions providing for ownership and maintenance of the open space is a condition of approval. For these reasons and those stated by the applicant, the proposal satisfies MCC 11.15.6206(A)(4)

- (5) . . . *relationship of Planned Development to environment* [MCC 11.15.6206(A)(5)]. . . .

Applicant's Response

The proposal preserves the most sensitive and steeply sloped portions of the site in open space and restricts development. The project conserves energy by minimizing creation of roads and restricts housing to close proximity of public streets and transit routes.

Staff Comment

The applicant also addresses energy conservation, development limitations and arrangement of land uses above in his responses to Plan Policies 22, 14 and 20, respectively. For these reasons, the proposal satisfies MCC 11.15.6206(A)(5)

- (6) *. . . can be substantially completed within four years of the approval or according to the development stages proposed under MCC .6220.*

Applicant's Response

Project is intended to be constructed within one year.

Staff Comment

Submittal of the final plats within one year and commencement of construction of improvements authorized by the PD approval within four years are conditions of approval

- (7) Compliance with the *Development Standards of MCC .6212* [minimum site size), *.6216* [open space] and *.6218* [density computation)[MCC 11.15.6206(A)(7)].

- (a) **Site Size (.6212)**

Applicant's Response

The size of the site is suitable for the proposed development. Thirteen acres will be utilized for thirteen single family detached dwellings. The balance of the sixty-five acres shall remain open space.

Staff Comment

Subject to the conditions of approval and for the reasons stated by the applicant, the proposal satisfies MCC 11.15.6212

(b) **Open Space (.6216)**

Applicant's Response

More than half the site is preserved as open space and steep slopes and sensitive areas are protected as described.

Staff Comment

Subject to the conditions of approval and for the reasons stated by the applicant, the proposal satisfies MCC 11.15.6216

(c) **Density Computation (.6218)**

The site is sixty-five acres, which allows thirteen homesites maximum.

Staff Comment

Staff concurs with the applicant that the proposal satisfies MCC 11.15.6218 regarding density computation. Siting of the 13 proposed dwellings as proposed is preferable to the siting that would occur in a conventional subdivision because sensitive slopes and natural areas will remain in common open space.

- (8) *The purposes stated in MCC .6200; [MCC 11.15.6206(A)(8)]* The purpose reads as follows:

The purposes of the Planned Development subdistrict are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

Applicant's Response

The purpose reads as follows:

The purpose of the Planned Development subdistrict are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

Applicant proposes a unique design, protective of significant natural areas and impacts on adjacent properties. This achieves the most practical housing given the land in question. Street systems are minimized and a private street will minimize cost and promotes crime prevention by allowing visibility of all homes from roads and common areas.

Staff Comment

Staff concurs with the applicant's statement of compliance with the purpose statement in the PD provisions of the zoning code. Subject to the conditions of approval, the proposal satisfies MCC 11.15.6206(A)(5).

- (9) *That modifications or conditions of approval are necessary to satisfy the purposes stated in MCC .6200[MCC 11.15.6206(A)(9)].*

Applicant's Response

Any modifications or conditions of approval are necessary to satisfy the purposes stated in MCC .6200.

As proposed in this application, orientation of the lots satisfy the exception granted under the solar ordinance standard as stated.

Staff Comment

Staff concurs with the reasons stated by the applicant in support of exceptions to the solar access standards on the proposed lots.

Conclusions: (PD 1-91)

1. Based on the above findings, the proposed PD satisfies the approval criteria for Planned Developments.

Findings of Fact: (LD 7-91)

1. **Applicant's Proposal:** Please refer to Finding 1 under PD 1-91.
2. **Site and Vicinity Information:** Please refer to Finding 2 under PD 1-91.
3. **Land Division Ordinance Considerations (MCC 11.45):**
 - A. The proposed land division is closely related to the accompanying Planned Development (PD) request. Approval of the land division cannot occur without approval of the PD.
 - B. The proposed land division is classified as a Type I because it is a *rural area subdivision* [MCC 11.45.080(A)]. A subdivision is defined by MCC 11.45.015(JJ) as a land division resulting in the creation of four or more lots. This proposal would create 13 lots.
 - C. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
 - (1) The Tentative Plan is in accordance with:
 - a) *the applicable elements of the Comprehensive Plan;*
 - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
 - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197* [MCC 11.45.230(A)].
 - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances* [MCC 11.45.230(B)];
 - (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of* [the Land Division Ordinance] [MCC 11.45.230(C)]
 - (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto*

associated with the Tentative Plan proposal [MCC 11.45.230(D)].

- (5) *If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed [MCC 11.45.230(E)].*
- (6) *The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and [MCC 11.45.230(E)].*
- (7) *Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon [MCC 11.45.230(G)].*

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

- A. **Applicable Elements of the Comprehensive Plan [MCC 11.45.230(A)]:** Approval of the proposed land division depends on approval of the proposed PD. For reasons stated in the Findings for PD 1-91, the proposed PD satisfies the PD approval criteria, including the applicable elements of the Comprehensive Plan. The applicant has submitted additional information in support of the policies as shown below. Therefore, the proposal satisfies MCC 11.45.230(A)

- (1) **Policy 13, Air and Water Quality and Noise Levels**

Applicant's Response

A Placement of building sites on the highest terrain and away from Powell Valley Road minimizes noise level generation to any adjoining property. The closest adjoining property would be the play yard of Powell Valley Grade School which is vacant approximately 90% for daytime use and only during youth soccer season is utilized for whole days on Saturdays.

B. Placement of building sites on the high ground in the manner shown on the proposed plat minimizes impact on ground and surface water resources located in the lower areas of the property where watersheds would be affected by standard 5-acre divisions, some of which would necessarily be located near creeks on the north and east borders of the property.

The site shall use only approved subsurface sewage disposal systems.

C. The generous plantings of trees and maintenance of open areas would not require removal of trees and vegetation. A standard 5-acre division would locate some building sites in the wooded areas requiring clearing for yards and building sites. The net increase in vegetation conforms to Multnomah County's goals of air quality improvement.

D. The proposed development will not substantially increase air pollution. Existing ambient pollution levels are affected by metropolitan-wide activities. There will be thirteen residences in the development generating 70 to 80 vehicle trips per day. Given the total number of residential units, the amount of air pollution generated is insignificant.

E. Water quality will not be affected by the development because it will be served by a public water system and will have an engineered stormwater discharge to the existing stream system.

Staff Comment:

For the reason and those stated by the applicant the proposal complies with Policy 13.

(2) Policy 14, Development Limitations

Applicant's Response:

The north and east portions of the subject property contain areas of steep slopes, creeks and minimal areas of fragipan and most other limitations listed in Policy No. 14.

The location of homesites on the western and highest areas of the property limits impact on the above limitations to near zero.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 14.

(3) Policy 19, Community Design

Applicant's Response

The proposal in this application promotes a community design that is thoughtful and sensitive to the site and to the surrounding rural area. The nature of this planned development is that it consumes 13 of 65 acres for homesites, leaving 52 acres in common ownership to the lot owners.

These remaining 52 acres for the most part shall be kept in their natural state. Any improvements in the common area shall be approved by a homeowners' association of the lot owners and shall be restricted to enhancements of the natural area rather than changes to the natural area.

This site design creates private outdoor spaces, natural and constructed landscaping, street parking, preservation of natural landscapes, as well as a design that promotes safety and privacy.

Staff Comment: Compliance with county Design Review requirements is a condition of approval. Staff concurs with the applicant's statements except to note that about 1.8 of the 53 acres of open space will be used by the proposed cul-de-sac street and its adjacent walks and landscaping.

(4) Policy 21, Housing Choice

Applicant's Response

The manner in which this proposal might aid in promoting housing units in price ranges and rent levels affordable to the regions' households is indirect.

This proposal creates homesites on the higher end of this region's market and by attracting buyers in this

category, land approved for higher densities and lower costs may become more available to developers serving a more affordable price range elsewhere in the county.

Though these homesites will be of a higher relative cost, they are made more affordable by use of the "planned development" use concept.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 21.

(5) Policy 22, Energy Conservation

Applicant's Response

The proposed development is located within walking distance of mass transit. The private nature of the roadway and the proposed sidewalks on Powell Valley Road add usability to pedestrian and bicycle traffic.

The 130-foot lot widths and the use of that portion of the land with no large trees should make solar energy use practical.

The exposure to east wind flows at the homesites may even make some wind-generated power practical.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 22.

(6) Policy 24, Housing Location

Applicant's Response

This project creating 13 homesites should accommodate approximately 50 people and should have a minimum impact on surrounding area support systems. Access is provided in a manner that is not dangerous or creative of congestion and there is direct access to a public street. The use of the "planned development" concept keeps the property

80% in its rural character and preserves all the significant natural features into the design.

A. Access: There is direct access from the project to a public street: S.E. Powell Valley Road. Site access will not cause dangerous intersections or traffic congestion, considering the roadway capacity, existing and projecting traffic counts, speed limits and number of turning movements.

B. Site Characteristics: The site is of a size and shape that can easily accommodate the proposed use in a manner that emphasizes use convenience and energy conservation. The site has many outstanding natural features which are retained and incorporated into the design of the site. Open areas, wooded trails, and a natural stream bed are already a part of the natural area that will be left intact.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies Policy 24.

(7) Policy 35, Public Transportation

Please refer to Finding 4.A(1)(i) under PD 1-91

(8) Policy 36, Transportation System Development Requirements

Please refer to Finding 4.A(1)(j) under PD 1-91

(10) Policy 37, Utilities

Please refer to Finding 4.A(1)(k) under PD 1-91

(11) Policy 38, Facilities

Please refer to Finding 4.A(1)(l) under PD 1-91

(12) Policy 39, Open Space

Please refer to Finding 4.A(1)(m) under PD 1-91

B. Development of Property [MCC 11.45.230(B)]:

Applicant's Response

This proposal appears to the applicant to meet the criteria for a Rural Residential District by conforming well to Exhibits A through P in this proposal.

The "planned development" concept would appear to satisfy the creation of such a land use for all the above reasons.

Since this proposal maximizes the number of lots that can be created in this zone, no further division of this property could occur without a zone change.

Staff Comment: Staff concurs with the applicant's statements. Also, there is no adjacent unincorporated land to the north or east that is capable of further division under present zoning. For these reasons, the proposal satisfies MCC 11.45.230(B)

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

Applicant's Response

This planned development proposes a private cul-de-sac street accessing the site from Powell Valley Road through tax lot 229, located inside the City of Gresham.

In consultation with the City of Gresham Planning Department, the Multnomah County Planning Department, and the developer, the following characteristics and standards shall be incorporated:

1. The access road shall be built to County public road standards for width and will have curbs, sidewalks, storm drainage, and all allowed public utilities underground.
2. The street will terminate at the south boundary of the northernmost lot and the cul-de-sac bulb shall be designed to approximate the City of Gresham boundary to the west to provide a future two-way emergency access between this subject property and the adjacent boundary of the City of Gresham.
3. Street lighting shall be to County standards or better.
4. A future street plan has been submitted to staff for review by the City of Gresham and Multnomah County. This plan shows that all property to the west and inside the City of Gresham can

circulate and access without inclusion of the private road proposed for the subject property.

The City of Gresham has approved the functionality of the proposed street plan for the parcels west of the subject property and within the City of Gresham. (See attached 2/1/91 memo from the City of Gresham).

5. The approval of the above street design and planning characteristics meets the intent and purpose of the land division ordinance, and applicable zoning ordinance.

Staff Comment:

For reasons stated in the Findings for PD 1-91, the proposed PD satisfies the PD approval criteria and therefore satisfies the RR provisions of the Zoning Ordinance for reasons stated below. Since the proposed land division satisfies the provisions of the Zoning Ordinance, it therefore complies with the purpose and intent of the Land Division Ordinance.

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

- (1) The site is zoned RR, Rural Residential District.
- (2) The following minimum area and dimensional standards apply per MCC 11.15.2218:
 - (a) The minimum lot size shall be five acres. For the reasons stated in the finding regarding Plan Policy 20 (Arrangement of Land Uses) and subject to approval of the proposed PD, the lot sizes comply with the Zoning Ordinance.
 - (b) The minimum yard setbacks shall be 30 feet front, 10 feet side, and 30 feet rear. The proposed lots have sufficient area to accommodate houses that meet these setback requirements, and the applicant has requested no exceptions to them.
 - (c) **Solar Access**

Applicant's Response

THE SOLAR DESIGN STANDARD SHALL APPLY '...FOR SINGLE FAMILY DETACHED DWELLINGS IN ANY ZONE, EXCEPT TO THE EXTENT THAT THE APPROVAL AUTHORITY FINDS THAT THE APPLICANT HAS SHOWN ONE OR MORE OF THE CONDITIONS LISTED IN SECTIONS .6820 AND .6822 EXIST, AND EXEMPTIONS OR

ADJUSTMENTS PROVIDED FOR THEREIN ARE WARRANTED.'

III. APPLICANT'S RESPONSE PER 11.15.6822

ADJUSTMENT TO DESIGN STANDARD

"THE PLANNING DIRECTOR SHALL REDUCE THE PERCENTAGE OF LOTS THAT MUST COMPLY WITH SECTION .6825 TO THE MINIMUM EXTENT NECESSARY IF IT FINDS THE APPLICANT HAS SHOWN ONE OR MORE OF THE FOLLOWING SITE CHARACTERISTICS APPLY."

11.15.6822(B)

"IF A DESIGN STANDARD IN SECTION .6815 APPLIES TO A GIVEN LOT OR LOTS, SIGNIFICANT DEVELOPMENT AMENITIES THAT WOULD OTHERWISE BENEFIT THE LOT(S) WILL BE LOST OR IMPAIRED. EVIDENCE THAT A SIGNIFICANT DIMINUTION OF THE MARKET VALUE OF THE LOT(S) WOULD RESULT FROM HAVING THE LOT(S) COMPLY WITH SECTION .6815 TO WHETHER A SIGNIFICANT DEVELOPMENT AMENITY IS LOST OR IMPAIRED. DEVELOPMENT AMENITIES WHICH MAY MERIT DESIGN ADJUSTMENTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

- (1) VIEWS OF VOLCANIC PEAKS IN THE CASCADE RANGE
- (2) SUBSTANTIAL OPEN SPACE, RECREATION OR AESTHETIC FEATURES ADDED BY THE APPLICANT;

SINCE THE PRIMARY AMENITY TO ALL LOTS IS ORIENTATION TO PROVIDE UNOBSTUCTED VIEWS TO MT. HOOD TO THE EAST, THE APPLICATION OF THE ABOVE "ADJUSTMENT TO DESIGN STANDARDS" WOULD APPLY.

FURTHER, AN EAST WEST ORIENTATION OF THE STREET DESIGN ON THIS PROPOSED PROPERTY WOULD ELIMINATE FUNCTIONAL ACCESS TO POWELL VALLEY ROAD LOCATED DIRECTLY SOUTH.

ACCESS FROM TROUTDALE ROAD TO THE EAST WOULD ENCROACH ON A CREEK AND THE OPEN SPACE PLANNED FOR IN THIS PROPOSAL, AS WELL AS POSING AN EXTREME TECHNICAL PROBLEM IN DESIGN.

Staff Comment:

For the reasons stated by the applicant, the proposal satisfies MCC 11.15.6800.

- E. **Subdivision Name [MCC 11.45.230(E)]:** The Assessment and Taxation Division will ascertain that the name of the plat--Arrow Creek--conforms with applicable statutes and ordinances, including MCC 11.45.230(E).
- F. **Public Streets [MCC 11.45.230(F)]:** The proposed land division satisfies MCC 11.45.230(F) for the reasons stated in the finding for Plan Policy 36 under PD 1-91. The applicant and staff have coordinated with the City of Gresham regarding street access and traffic circulation issues arising from the location of the site at the city limits. Receipt by the applicant of a corresponding approval from the City of Gresham of that portion of the development that is within the Gresham city limits is a condition of final plat approval by the County Planning Division.
- G. **Private Streets [MCC 11.45.230(G)]:**

Applicant's Response

The private accessway shall be owned and maintained by deed restrictions recorded with the sale of each parcel. Such road maintenance agreements shall be approved by the County as a condition of approval of this project.

Staff Comment:

Submittal of a declaration of covenants and restrictions that establishes the homeowners' association responsible for maintaining the private street is a condition of approval.

Conclusions: (LD 7-91)

- 1. The proposed land division satisfies the approval criteria for Type I land divisions.
- 2. The proposed land division satisfies the general standards in the Land Division Ordinance.

IN THE MATTER OF: PD 1-91/LD 7-91

Signed April 1, 1991


By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 11, 1991

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, April 22 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 April 23, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

Meeting Date: April 23, 1991

Agenda No.: PI-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal (date) BCC Formal April 23, 1991
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION R. Scott Pemble

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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):

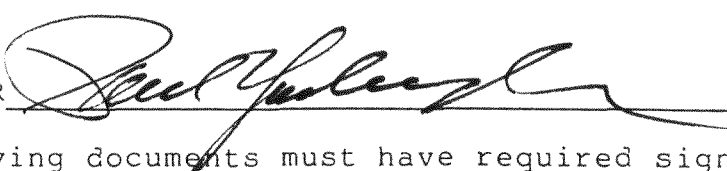
CS 2-91 Decision of the Planning Commission of April 1, 1991 with
recommendation to the Board for Approval, Subject to Conditions

(If space is inadequate, please use other side)

SIGNATURES:

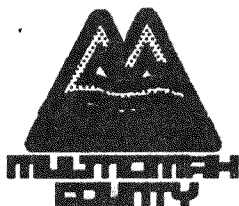
ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1991 APR 18 PM 1:40
CLERK OF
MULTI-COUNTY
OREGON



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

Decision

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

April 1, 1991

CS 2-91, #400

Community Service Request

(Expansion of a Private School)

Applicant requests change in the Community Service designation of this property to allow a residential care facility for a maximum of sixteen students as a part of the campus. The applicant currently owns the three lots west of the subject sites. The lot furthest west has a structure, the next two lots have a classroom building under construction. This request would provide room for program expansion of school and school related services such as counseling and career center experiences. The site is contiguous to the school under construction to the west.

Location: 14917 – 15005 SE Division Street

Legal: Tax Lot '50', '51', and '150' Section 1, T1S, R2E
(1990 Assessor's Map)

Site Size: 1.53 Acres

Size Requested: Same

Property Owner: Serendipity Academy, Inc.
PO Box 156, Gladstone, Oregon 97027

Applicant: Same

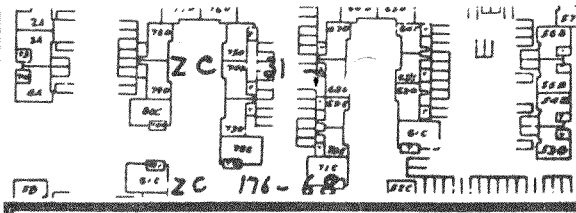
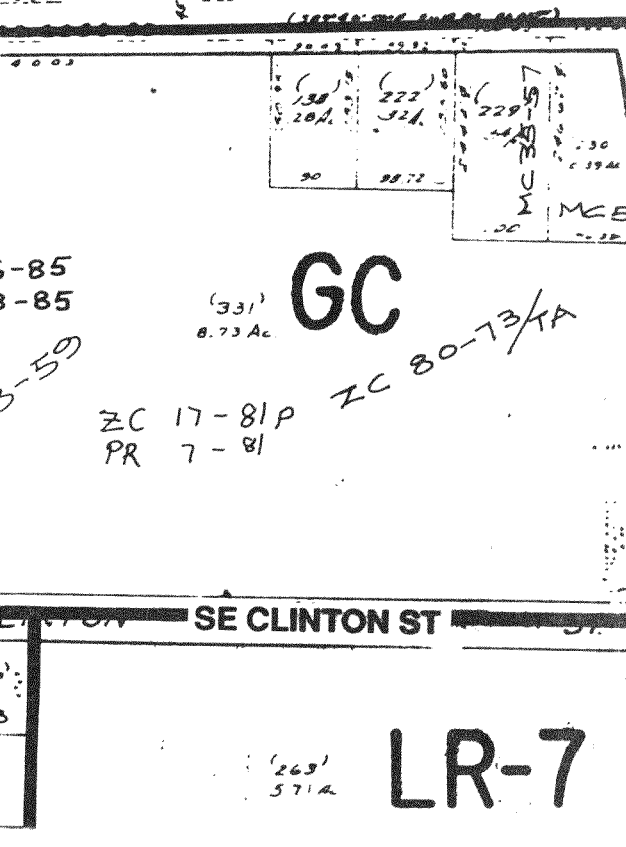
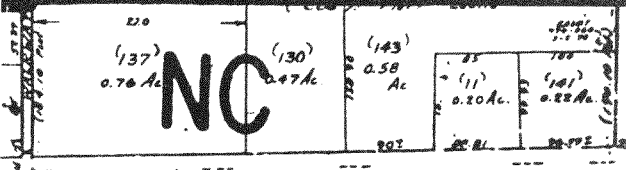
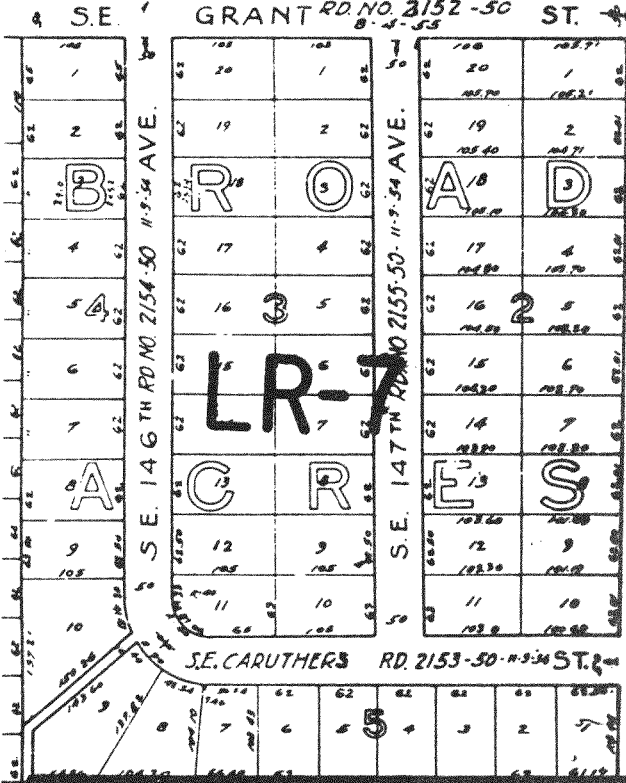
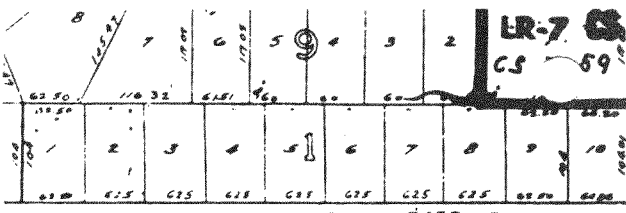
Comprehensive Plan: Medium Density Residential

Present Zoning: MR-3, Urban Medium Density Residential District

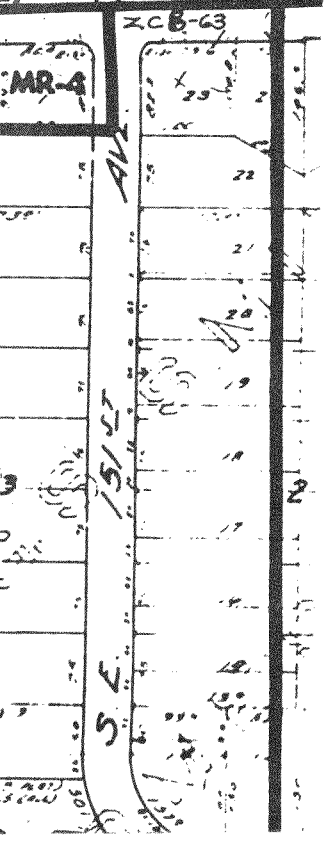
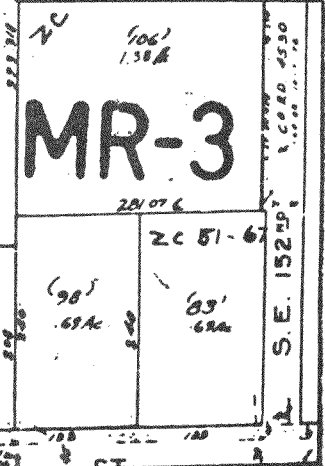
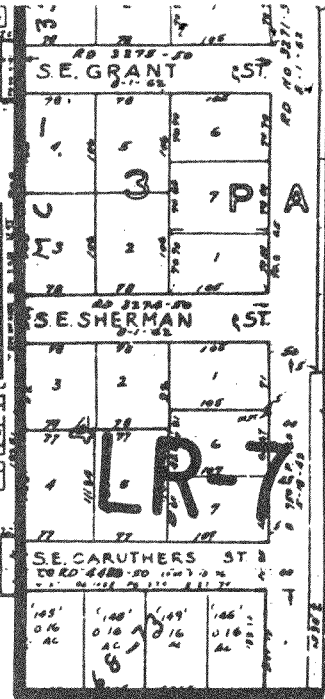
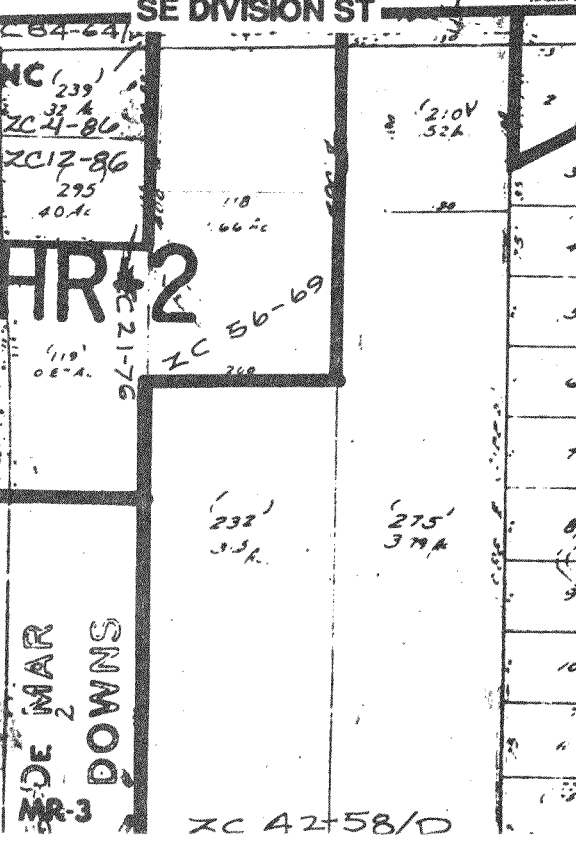
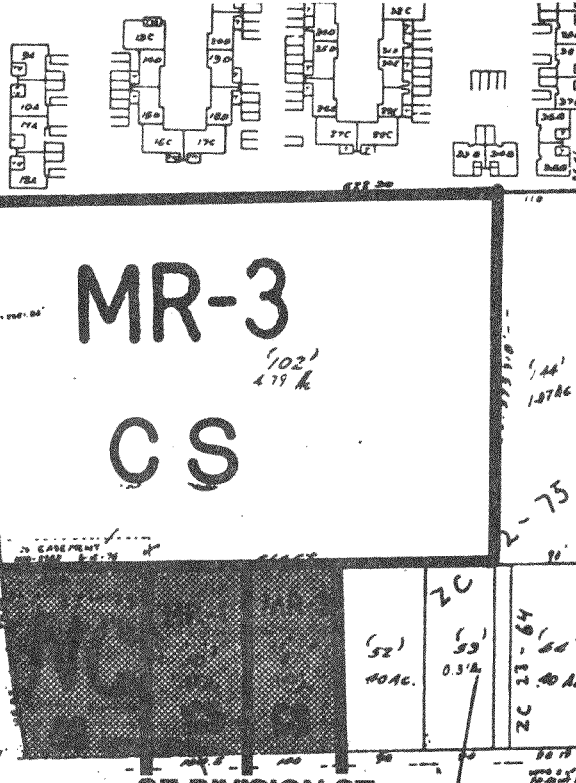
Sponsor's Proposal: MR-3, C-S, Urban Medium Density Residential
Community Service District

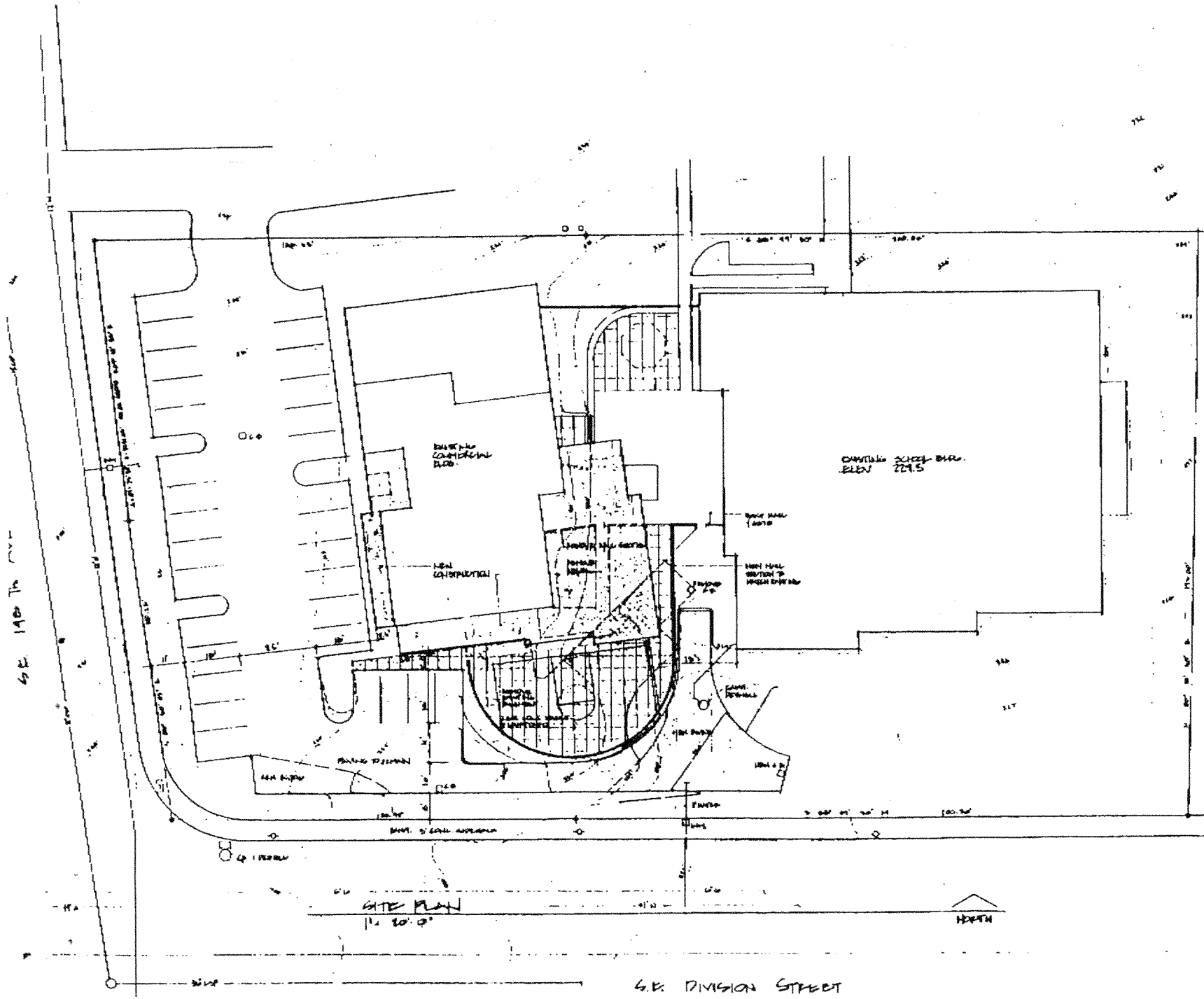
Planning Commission

Decision: APPROVE, subject to conditions, modification of the Community Service designation of the above described property to allow up to sixteen on-site residents, based upon the following Findings and Conclusions.



Zoning Map
Case #: CS 02-91
Location: 14815-17 SE Division Street
Scale: 1 inch to 200 feet
Shading indicates subject property





RAYMOND J BARTEL A.I.A. ARCHITECT & PLANNER		CS 2-91 2515 S.E. MARSHALL ST. MILWAUKEE, WISCONSIN 53225

Conditions:

1. Satisfy the applicable requirements of Engineering Services regarding future improvements along SE Division Street.
2. Obtain Design Review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing and exterior building designs. Site work shall not proceed until required Design Review approvals are obtained or as determined by the Director. Specific design features represented in the CS application shall be reflected in plans submitted for Design Review.
3. This use shall be for the specific use and scale represented in the application, with a maximum of 16 residents and 4 temporarily housed on an occasional basis.

Findings of Fact:**1. Applicant's Proposal:**

Applicant describes the request as follows:

"Serendipity Academy, Inc. is requesting that the existing Community Service overlay be modified to accommodate a residential care facility to be included as a part of the campus. This facility would provide intensive behavioral management training to youths between the ages of 11 and 16. Size of the existing building coverage will be increased by 2,000 to 2,400 square feet. All other improvements and programs to remain the same."

2. Site and Vicinity Characteristics:

This property is located near the northeast corner of the intersection of SE 148th Avenue and SE Division Street. The site is essentially level and is developed with two single family residences. The Serendipity Academy is presently constructing school classrooms on property immediately to the west; this facility was approved in 1989 (reference CS 9-89 & CS 6-90). St. Joseph Catholic Parish lies immediately to the north. To the east are single family residences on parcels designated Medium Density Residential. Across SE Division Street to the south is property designated Neighborhood Commercial, and east of that an apartment complex within a High Density Residential zone. A Fred Meyer Shopping Center is located on the southwest corner of the intersection of SE 148th and Division on property zoned General Commercial. To the north of that, across Division Street, are several commercial businesses on Neighborhood Commercial land.

3. Ordinance Considerations:

Conditional uses allowed in the MR-3 District are specified in MCC 11.15.2770. Subsection (A) specifies "*Community Service Uses pursuant to the provisions of MCC .7005 through .7041.*" MCC .7020(A)(20) identifies a public or private school as a CS Use; approval criteria are specified in MCC .7015.

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

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

The proposal:

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

Serendipity Academy has operated on the property immediately to the north of this site for ten years with no conflict with other uses in the surrounding area. There is no reason to believe that this expansion will change that relationship.

Staff Comment: The proposed school expansion is consistent with the mixed character of the surrounding area. The new school building is a single story brick structure with gabled and flat roofed sections. The expanded facility would extend this same structure to the east. Surrounding buildings and uses are similar in scale and intensity of use. There are one and two story residences – both single family and apartments to the south and east, and commercial uses to the west. St. Joseph Catholic Parish lies immediately to the north.

A(2). *Will not adversely affect natural resources;*

There are no natural resources that have been identified that would be adversely affected by this request.

Staff Comment: Condition #2 requires Design Review of the site development. Design Review criteria stipulate that the design shall preserve natural landscape features and existing grades to the maximum practical degree [11.15.7850(A)(4)].

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

There are no farm or forest uses in the surrounding area.

Staff Comment: The site is within an urban portion of the County. There are no farm or forest uses in the vicinity.

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

All public services necessary for the proposed use are available along SE Division Street and SE 148th Avenue frontages.

Staff Comment: Staff concurs.

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

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

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

A(6) Will not create hazardous conditions;

No hazardous conditions have been identified that would result from this proposal.

Staff Comment: Staff concurs.

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

Staff Comment: The following policies of the County's Comprehensive Plan are found applicable to this request: Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations); Policy 16 (Natural Resources); Policy 37 (Utilities); Policy 38 (Facilities).

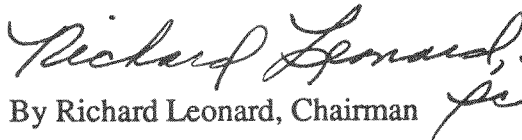
- (a) No. 13—Air, Water and Noise Quality: The site is developed with a small office complex and residences using dry wells for disposal. No adverse impacts with respect to air, water and noise quality have been identified in their use.
- (b) No. 14—Development Limitations: The site has posed no limitations for the development that exists and, judging from recent development in the surrounding area, there is no evidence that any such limitations exist.
- (c) No. 16—Natural Resources: There are no known natural resources that would be affected by the proposed use.

- (d) No. 37—Utilities: Water is provided by Powell Valley Water District and is in the new sewer construction area. Sewer will be available to this site at construction.
- (e) No. 38—Facilities: Centennial School District has been informed of this request and has made no response. Fire protection is provided by Fire District No. 10 and police protection by the Multnomah County Sheriff.

Conclusion:

1. The applicant has carried the burden necessary for the granting of the requested Community Service Use designation for expanding the school. The proposed change satisfies applicable approval criteria and results in only an expansion of a use that has existed in the area for more than ten years.
2. Based on the findings above, the proposal, as conditioned, satisfies approval criteria for a Community Service Use.

Signed April 1, 1991


By Richard Leonard, Chairman

Filed With the Clerk of the Board on April 11, 1991

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, April 22, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, April 23, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal

(date)

BCC Formal

April 23, 1991

(date)

DEPARTMENT

DES

DIVISION

Planning

CONTACT

Sharon Cowley

TELEPHONE

2610

PERSON(S) MAKING PRESENTATION

R. Scott Pemble

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

xx APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: **XX**

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

CU 5-91 Decision of the Planning Commission of April 1, 1991 with
recommendation to the Board for Approval, Subject to Conditions

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

1981 APR 10 PM 4:40
 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.
April 1 1991

CU 5-91, #125

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

Applicant requests conditional use approval of a non-resource related single family residence on a 3.00 acre Lot of Record in the MUF-19 zoning district

Location: 6125 NW Thompson Road

Legal: Tax Lot '1' of Lot 37, Mountain View Park #1, 1990 Assessor's Map

Site Size: 3 acres

Size Requested: Same

Property Owner: Margaret K. Peetoom
2807 SW Plum Court, 97219

Applicant: Dan McKenzie
8150 SW Barnes Road, #G302, 97225

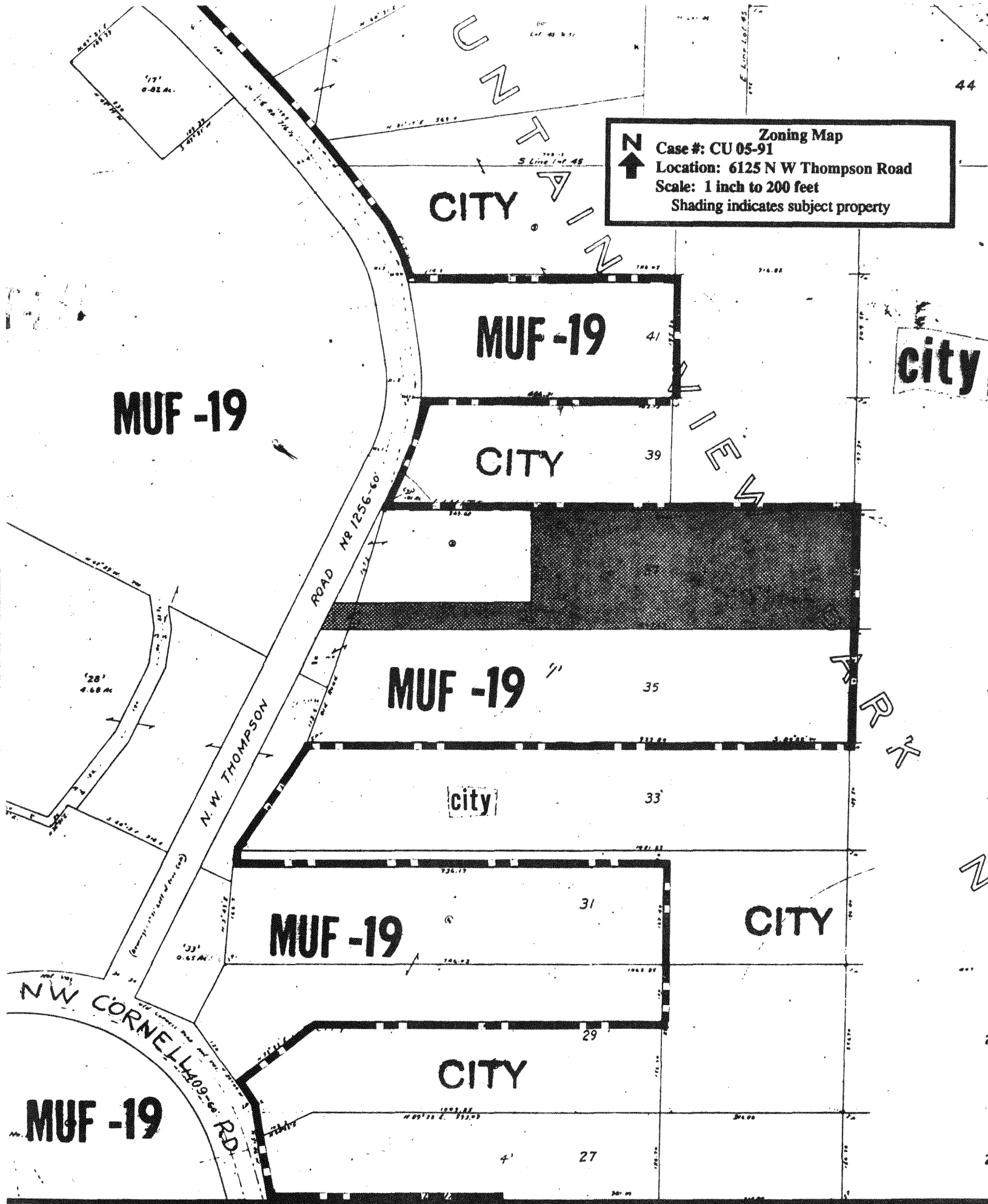
Comprehensive Plan: Multiple Use Forest – Significant Environmental Concern

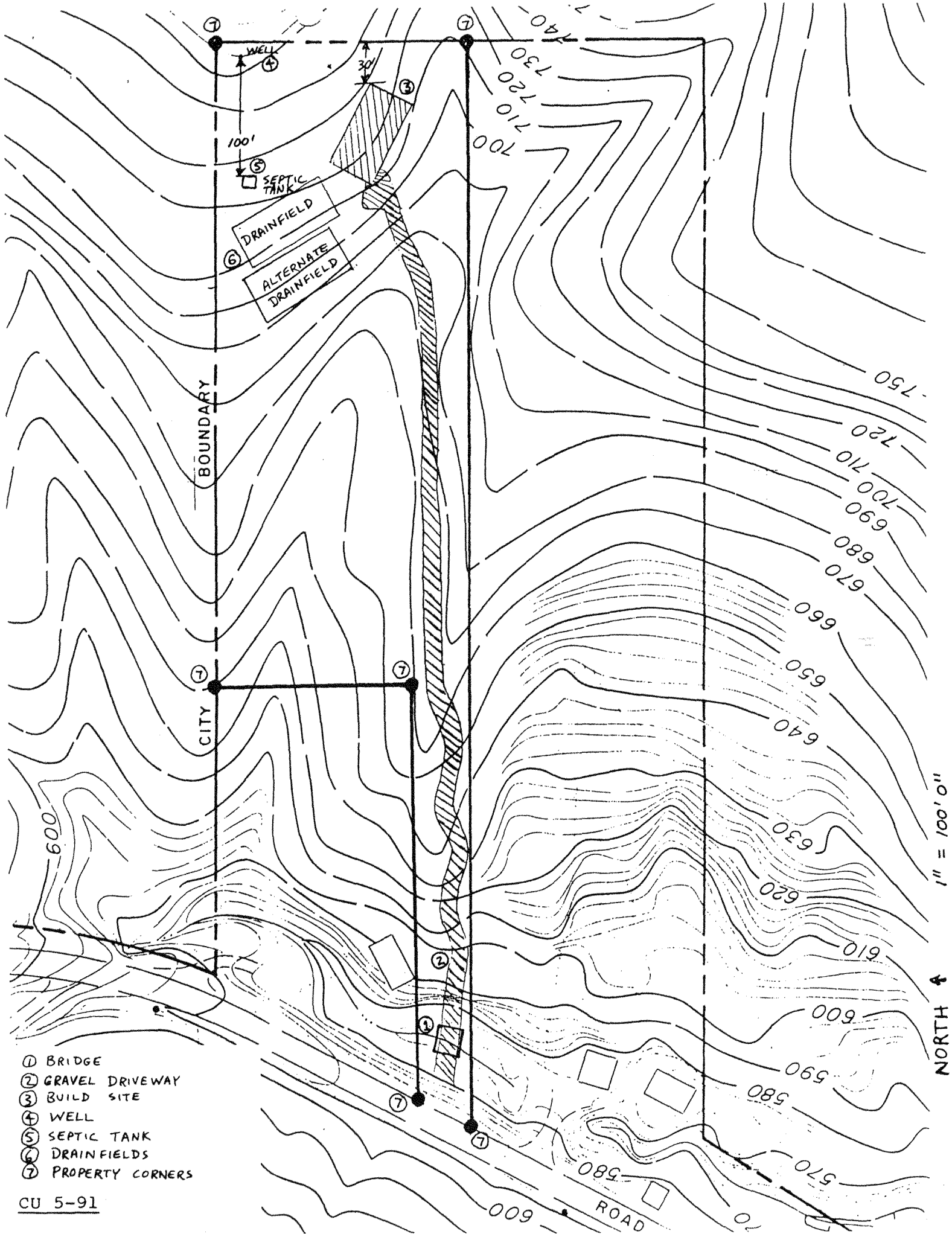
Present Zoning: MUF-19, SEC
Minimum lot size of 19 acres

Planning Commission

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

Zoning Map
Case #: CU 05-91
Location: 6125 N W Thompson Road
Scale: 1 inch to 200 feet
Shading indicates subject property





CONDITIONS OF APPROVAL:

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2172(A)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any future improvements of or access to NW Thompson Road.
3. Prior to any site clearing or grading, satisfy the conditions of approval of SEC 6-91 (see Appendix). Contact Mark Hess at 248-3043 for specific information.
4. Prior to any site clearing or grading, obtain a Hillside Development and Erosion Control Permit pursuant to MCC 11.15.6710. Contact Mark Hess at 248-3043 for specific information.
5. All land disturbing activities within 100-feet of Balch Creek authorized by SEC 6-91 shall take place between June 15 and September 30 of any year. Any activity within 100-feet of the creek, including but not limited to the bridge and/or driveway, which exposes soil or disturbs the ground surface on the site between October 1 and June 14 is prohibited — unless required for emergency repairs.

FINDINGS OF FACT:

1. Applicant's Proposal:

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

2. Ordinance Considerations:

- A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:
 - (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).
 - (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or

- c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.
 - (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
 - (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts are acceptable.
- B. A residential use located in the MUF district after August 14, 1980 shall comply with the following:
- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for

clustering of dwellings or sharing of access;

- (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
- (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of three acres located on the east side of NW Thompson Road approximately 800 feet north of its intersection with NW Cornell Road. It is vegetated with a mixture of conifer and deciduous trees. The property is not within a designated big game winter habitat area. The property abuts Forest Park to the north and east, and Balch Creek crosses it approximately 50 feet from the NW Thompson Road frontage.

Properties in the surrounding area range in size from less than one acre to over 20 acres in size. Several of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped. There are no commercial resource uses in the immediate surrounding area.

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

4. Compliance With Ordinance Considerations:

A. A non-resource related single family dwelling is permitted in the MUF zoning district as a Conditional Use where it is demonstrated that:

- (1) The lot size shall meet the standard of MCC 11.15.2178(A) or .2182(A) to (C).

Staff Comment: This lot is a legal Lot of Record having been created prior to the enactment of the MUF-19 zoning district in 1977. Therefore, the standards of .2182(A) to (C) are satisfied.

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

- a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at

least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;

- b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
- c) The lot is a Lot of Record under MCC 11.15.2192(A) through (C) and is ten acres or less in size.

Staff Comment: The lot is a Lot of Record and is less than ten acres in size; therefore, incapable of sustaining a farm or forest use.

- (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC 11.15.2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

Staff Comment: Residential use of this property will be comparable to the rural residential uses of other small developed properties in the surrounding area to the north and south along NW Thompson and Cornell Roads.

- (4) The dwelling will not require public services beyond those existing or programmed for the area.

Staff Comment: All necessary public services to support residential development of this property are available along NW Thompson Road.

- (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.

Staff Comment: The applicant has indicated a willingness to satisfy this condition upon approval of this application.

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

Staff Comment: The property is not within a big game habitat area indicated on the maps provided by the Oregon Department of Fish and Wildlife.

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

- (1) The fire safety measures outlined in the "Fire Safety Considerations for Development

in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:

- a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
- (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
- (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(B). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
- (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
- (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
- (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
- (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (8) The dwelling shall have a minimum floor area of 600 square feet; and
- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

Staff Comment: Compliance with these standards are determined at the time of permit application when detailed site development plans have been developed.

C. Additional Considerations:

A portion of this property (*i.e.*, that part of the property within 100 feet of the centerline of Balch Creek) is designated Significant Environmental Concern. An SEC Permit for development of a bridge/driveway into the site was considered under a separate application (SEC 6-91); it is included in this report as a part of the Appendix. All conditions of

that decision are made a part of this decision. Development of the site also requires a Hillside Development and Erosion Control Permit; Condition #4 requires the HDP permit prior to site development.

CONCLUSIONS:

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

Signed April 1, 1991


Richard Leonard, Chairperson

Filed with Clerk of the Board on April 11, 1991

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:00 pm on Monday, April 22, 1991 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, April 23, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.

APPENDIX



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

PLANNING DIRECTOR DECISION

MARCH 22, 1991

SEC 6-91

SIGNIFICANT ENVIRONMENTAL CONCERN PERMIT (Construct a driveway which will bridge Balch Creek)

Applicant requests approval of an SEC Permit to construct a driveway and bridge over Balch Creek to provide access to a proposed house site. The drive and bridge project is located within 100-feet of a Class I stream, an *Area of Significant Environmental Concern* (designated SEC in the Multnomah County Zoning Ordinance).

Location: 6125 NW Thompson Road
Portland

Legal: Tax Lots '1' of Lot 37, Mountain View Park Addition #1

Property Owner: Margaret K. Peetoom
2807 SW Plum Court
Portland, Oregon 97219

Applicant: Dan McKenzie
8150 SW Barnes Road #6302
Portland, Oregon 97225

**Comprehensive Plan
Designation:** Multiple Use Forest

Present Zoning: MUF-19/SEC, Multiple Use Forest District/Significant Environmental Concern subdistrict

PLANNING DIRECTOR DECISION

A Significant Environmental Concern Permit is hereby
APPROVED, SUBJECT TO CONDITIONS, based on the following Findings
and Conclusions.

Staff Contact Person:
Mark Hess: 248-3043

SEC 6-91

Conditions of Approval:

1. The SEC Permit approval for the bridge/driveway project does not imply or obligate a corresponding approval by the County Planning Commission of a proposed non-resource related residence on the site (Reference Conditional Use File CU 5-91). If the residence is approved by the Planning Commission, CU plans must be substantially similar to those detailed in the SEC Permit application.
2. Cut and remove only those trees within the immediate area required for the driveway grading and bridge approaches. All trees of 6-inch or greater trunk diameter at breast height (d.b.h.) shall be retained to the maximum practicable extent. Retained trees shall be protected during construction. Avoid cutting roots, compacting soil or placement of fill within the root zones (drip line) of trees to be retained.
3. Materials and colors on the bridge structure visible from NW Thompson Road shall be dark or natural earthtones which blend into and do not noticeably contrast with landscape features on the site. Material and color selections for the bridge shall be ministerially reviewed and approved by Design Review Staff prior to installation or construction.
4. Comply with conditions and restrictions imposed with the Grading and Erosion Control Permit associated with this request (File HDP 4-91).
5. Obtain a Driveway Access Permit for the new Thompson Road access. Contact the County Right-of-way Permit office at 248-3582

Findings of Fact:

1. Summary of the Proposal:

The applicant requests approval to construct a driveway from the frontage of NW Thompson Road, across Balch Creek, and up-slope to the east to access a proposed house site. The property is within an area designated Significant Environmental Concern; the overlay is designed to protect scenic, riparian and other resources associated with lands along rivers and streams.

2. Site and Vicinity Information:

The subject property is a Lot of Record of three acres located on the east side of NW Thompson Road approximately 800 feet north of its intersection with NW Cornell Road. It is vegetated with a mixture of conifer and deciduous trees. The property abuts Forest Park to the north and east, and Balch Creek crosses it approximately 50 feet from the NW Thompson Road frontage.

Properties in the surrounding area range in size from less than one acre to over 20 acres in size. Several of the smaller lots are developed with rural residences, while most of the larger parcels are undeveloped. There are no commercial resource uses in the immediate surrounding area.

The applicant proposes to locate a residence on the property (Reference CU 5-91). This request proposes a driveway into the site, with a bridge over Balch Creek.

3. Zoning and Comprehensive Plan Designations.

The plan designation of the parcel is Multiple Use Forest/Areas of Significant Environmental Concern. The parcel is zoned MUF-19 with an SEC (Area of Significant Environmental Concern) overlay for that portion within 100-feet of Balch Creek.

4. Ordinance Considerations:

A portion of this property (*i.e.*, that part of the property within 100 feet of the centerline of Balch Creek) is designated Significant Environmental Concern [Reference MCC 11.15.6404(C)]. Development of the bridge and driveway also requires a Hillside Development and Erosion Control Permit pursuant to MCC 11.15.6710 (Reference HDP 4-91).

Development proposed within an Area of Significant Environmental Concern must meet approval criteria specified in MCC .6420.

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

A. SEC Approval Criteria (MCC .6420)

(a) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

"Shoreline and Significant Vegetation: ...I would plan on removing only enough of the vegetation to allow for the driveway and housesite construction. ... I would replant whenever it is appropriate with vine maple, fern, rhododendron, additional trees, grass and any other vegetation recommended in the Balch Creek Protection Plan. I do not plan on bank or shoreline changes as I expect to build a bridge over Balch Creek."

Comment: Reference Condition #2.

(b) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Comment: The bridge/driveway project will not remove land from farm or forest use.

(c) *The harvesting of timber on lands designated SEC shall be conducted in a manner which shall insure that the natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.*

Comment: There is no timber harvest associated with the request. Some trees would be removed in the areas where the driveway will developed. Condition #2 limits tree removal.

(d) *A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.*

Comment: The bridge structure will span Balch Creek, thereby avoiding most adverse effects to stream quality and flow. Condition #3 limits materials and colors of the bridge to dark or natural earthtones to lessen the visual impact of the new bridge on the wooded-riparian corridor along Balch Creek.

(e) *Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with areas of environmental significance.*

Comment: There is no recreational use proposed at the site.

(f) *The protection of the public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.*

Comment: The bridge/driveway project should have no effect on public safety.

(g) *Significant fish and wildlife habitats shall be protected.*

Unique Wildlife Habitat: . There are various species of birds as well as most probably squirrels, chipmunks and deer in the area.

Comment: There may be fish within Balch Creek. The bridge over the creek will have much less impact on the creek habitat than would a culvert & fill-type driveway crossing.

(h) *The natural vegetative fringe along rivers, lakes, and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion.*

"Shoreline and Significant Vegetation: ...I would plan on removing only

enough of the vegetation to allow for the driveway ... I would replant whenever it is appropriate with vine maple, fern, rhododendron, additional trees, grass and any other vegetation recommended in the Balch Creek Protection Plan. I do not plan on bank or shoreline changes as I expect to build a bridge over Balch Creek."

Comment: Reference Condition #2.

(i) Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored, and maintained in proportion to their importance to the County's history.

Comment: The site is not identified in the County's Historic Resource inventory.

(j) Archeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Comment: The site is not known to possess any archeologic resources. The proposed bridge/driveway would not require significant excavation.

(k) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.

Comment: No aggregate extraction is proposed.

(l) Areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions.

Staff Comment: The bridge over the creek will have much less impact on the creek habitat than would a culvert & fill-type driveway crossing. Erosion control measures will be employed during the construction phase of the bridge/driveway project. HDP 4-91 specifies minimum erosion control measures necessary to protect the water quality in the creek.

(m) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.

Staff Comment: The applicant indicates erosion control measure will be employed. HDP 4-91 specifies minimum control measures.

(n) The quality of the air, water and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Comment: The bridge over the creek will have much less impact on the creek habitat than would a culvert & fill-type driveway crossing. Erosion control measures will be employed during the construction phase of the bridge/driveway project. HDP 4-91 will specify minimum erosion control measures necessary to protect the water quality in the creek.

(o) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of the areas of significant environmental concern.

Comment: Condition #3 limits materials and colors of the bridge to dark or natural earthtones to lessen the visual impact of the new bridge on the wooded-riparian corridor along Balch Creek.

(p) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

"Shoreline and Significant Vegetation: ...I would plan on removing only enough of the vegetation to allow for the driveway ... I would replant whenever it is appropriate with vine maple, fern, rhododendron, additional trees, grass and any other vegetation recommended in the Balch Creek Protection Plan. I do not plan on bank or shoreline changes as I expect to build a bridge over Balch Creek."

Comment: Condition #2 limits tree removal on the site.

(q) The applicable policies of the Comprehensive Plan shall be satisfied.

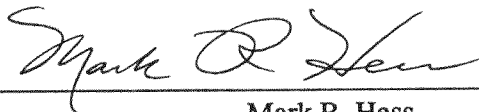
Staff Comment: The project – as conditioned – is consistent with Policy 14: Development Limitations, and Policy 16: Natural Resources.

Conclusions:

1. The proposal — as conditioned — satisfies SEC approval criteria as detailed in the findings section above.

In the matter of SEC 6-91:

**MULTNOMAH COUNTY, OREGON
DIVISION OF PLANNING AND DEVELOPMENT**

By: 
Mark R. Hess
Title: Planner

For, Director, Planning and Development
Date: March 22, 1991

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

RB1-91

DATE 4-23-91

NAME MIKE HOPKINS

ADDRESS 11878 SW RIVERWOOD ROAD

STREET PORTLAND OREGON 97219

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # PI-4

SUBJECT LINCOLN & ALLEN BINDERY IDRB

X FOR AGAINST

PLEASE PRINT LEGIBLY!

2

DATE 4-23-91

NAME PAT NEWMAN

ADDRESS 3033 N. W. YEON

STREET

PORTLAND, OR 97210

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # RB 1-91^{#4}

SUBJECT ECONOMIC REVENUE BOND

☒ FOR ☐ AGAINST

PLEASE PRINT LEGIBLY!

Meeting Date: April 23, 1991

Agenda No.: PI-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal _____ BCC Formal April 23, 1991
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Bob Hall TELEPHONE 6797
PERSON(S) MAKING PRESENTATION Bob Hall

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

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

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

RB 1-91 Oregon Economic Development Revenue Bonds by Lincoln and Allen Bindery for property within the City of Portland (3033 NW Yeon Street with recommendation for adoption of the Resolution by the Board

4/24/91 copies to Bob Hall & Sharon Cowley

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)



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

April 8, 1991

To: Board of County Commissioners
From: Bob Hall 
Division of Planning and Development

Re: RB 1-91

Enclosed are the materials relating to RB 1-91.

As you know, MCC 11.08.250 requires the Board to make the following findings when considering State of Oregon Economic Development Revenue Bond projects:

- (A) An application shall comply with:
- (1) The Comprehensive Land Use Plan (or Statewide Planning Goals if the plan has not been acknowledged by LCDC), the Economic Development Plan, and plan implementation ordinances of the unit of government having jurisdiction over the site in question; and
 - (2) Multnomah County's Equal Employment Opportunity as indicated in MCC 11.08.255.
- (B) An applicant must assert, in writing, the Economic Development Revenue Bond Financing is necessary for expansion or location in the County at this time (*i.e.*, without such financing, the project would not be undertaken).

This packet contains:

- The application for Oregon Economic Development Revenue Bonds by Lincoln & Allen Bindery for property within the City of Portland;
- A letter from Janet S. Bureson, Director of Economic Development for the Portland Development Commission, indicating the project complies with MCC 11.08.250(A)(1);
- An Equal Employment Opportunity Agreement signed by Charles M. Hopkins, Lincoln & Allen Bindery, and a completed MC-DES 1 as required by MCC 11.08.250(A)(2);
- A statement of necessity from Lincoln & Allen Bindery as required by MCC 11.08.250(B); and
- A proposed resolution for Board action.

The Planning Staff finds that this material satisfies the criteria of MCC 11.08.250 for Board approval of an Economic Development Bond and recommends adoption of the resolution.

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

In the Matter of Issuance of)
an Industrial Development)
Revenue Bond State of Oregon)
to Lincoln & Allen Bindery) RB 1-91

RESOLUTION

WHEREAS, The Multnomah County Board of Commissioners finds that the aquisition of additional equipment by Lincoln & Allen Bindery would foster the economic growth and legislative policy as set forth in ORS 280.310; and

WHEREAS, The City of Portland has found that the project is in compliance with the City of Portland Comprehensive Plan acknowledged by the Land Conservation and Development Commission pursuant to ORS Chapter 197; and

WHEREAS, The Board finds that the project complies with the provisions of Chapter 11.08 of the Multnomah County Code; and

WHEREAS, ORS 280.330 requires, before the issuance of revenue bonds by the State of Oregon, that the governing body of the County endorse the project; and

WHEREAS, The Board finds that the completion of this facility within the City of Portland would be in the best interests of the citizens of Multnomah County.

THEREFORE, IT IS HEREBY RESOLVED:

1. That Multnomah County requests the Economic Development Commission and the State of Oregon to assist in the financing of the Lincoln & Allen Bindery project within Multnomah County through the issuance of revenue bonds secured by the improvements as provided by ORS 280.310 to ORS 280.397.
2. That the Chairperson of the Multnomah County Board of Commissioners be authorized to sign and act for the Board in any future action necessary by Multnomah County to promote the project.

(SEAL)

**BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON**

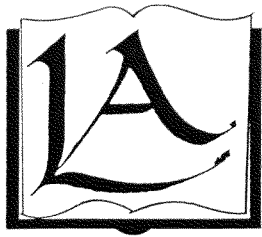
April 23, 1991

Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By _____
Assistant County Counsel



LINCOLN
& ALLEN
B I N D E R Y

3033 N.W. YEON AVE.,
P.O. BOX 10745
PORTLAND, OREGON 97210
(503) 223-2035
OUTSIDE OF OREGON
1-800-824-1632

April 8, 1991

Mr. Bob Hall
Multnomah County
Division of Planning and Development
2115 S. E. Morrison
Portland, Oregon 97214

Dear Bob,

We are applying for Industrial Revenue Bonds to facilitate the expansion of our bindery facilities and production capacity. As you will see from our application, we are a small, rapidly growing company that has exhausted our sources of conventional financing. We would not be able to accomplish this proposed project without the 100% financing, longer term, and lower interest rate that an IDRB affords.

We would appreciate your assistance in getting the necessary approvals from Multnomah County.

Thank you in advance for your help.

Sincerely,

Charles M. Hopkins

RECEIVED
APR 10 1991

Multnomah County
Zoning Division

DC
PORTLAND
DEVELOPMENT
COMMISSION

/ L. Demorest
aan

thy L. Hall
issioner

t D. McCracken
issioner

uglas McGregor
issioner

alton
issioner

id Clark

k L. LaCrosse
ve Director

3. W. Fifth Avenue
nd, OR 97204
823-3200
503) 823-3368



M E M O R A N D U M

DATE: March 20, 1991

TO: Bob Hall, Multnomah County Planning (248-3043)

FROM: Jon O. Gustafson, PDC (823-3321)

SUBJECT: State of Oregon Economic Development Bonds for Lincoln & Allen Book Publishing and Bindery - Required Multnomah County Resolution

Pursuant to our last conversation in your offices, attached find a copy of PDC's letter to Mark Huston finding the project consistent with the Economic Development Policy of the City of Portland. Because the bonds are to be used solely for the purchase of equipment, no zoning verification from the Bureau of Planning is required. The equipment will be placed in facilities located in the NW Industrial area, which is reserved for heavy industrial uses.

You have already received a copy of the IDR application, a \$200 check made out to Multnomah County, and fully executed copies of MC-DES-1, Current and Projected Permanent Employee and Payroll Data.

A signed copy of the required Multnomah County Equal Employment Opportunity Agreement should be on file with you already in connection with the applicant's previous IDR project, closed two or three years ago. If you require a new one, please contact me or Pat Newman of Lincoln & Allen (223-2035), for a new one.

After you have completed your processing and have the actual hearing date identified, please contact Pat Newman and me, in order that we can be present at the hearing.

Thank you for your assistance in this process. Please contact me at 823-3321 if there are any problems, concerns or if there additional information is required.

inc

RECEIVED
MAR 22 1991

Multnomah County
Zoning Division

DC
PORTLAND
ECONOMIC DEVELOPMENT
COMMISSION

L. Demorest
an

March 20, 1991

by L. Hall
ssioner

Mr. Mark Huston
Business Finance Section Manager
Oregon Economic Development Department
775 Summer St., N.E.
Salem, Oregon 97310

D. McCracken
ssioner

Dear Mr. Huston:

glas McGregor
ssioner

This letter will advise you that the city of Portland has reviewed the application of Lincoln & Allen Bindery for \$1,750,000 in Economic Development Revenue Bond financing from the State of Oregon. We find that the proposed project is consistent with the Portland Comprehensive Plan, adopted by City Council in October, 1980., and the Economic Development Policy of the City of Portland, the local economic development plan, adopted in 1980 and updated in 1988, for the following reasons:

ilton
ssioner

1. The application proposes to purchase additional bindery equipment and expand exiting facilities to house the equipment. The project location, 3303 N.W. Yeon, permits this activity under the new IH (Heavy Industrial) zoning code adopted January, 1991, and is consistent with the area Comprehensive Land Use Plan.
2. Consistent with the Economic Development Policy, the expansion of an existing Oregon industrial activity is strongly encouraged in this area of Portland.
3. The project represents the expansion of a Portland business which has shown steady growth in the printing and publishing industry. All evidence indicates that the firm and the industry will continue to be a significant positive force in the Portland economy.
4. The project enhances and supports the development of the NW Industrial Sanctuary. This area, as you know, is specifically reserved for industrial processing and distribution activities.
5. The project represents \$1.75 million increase in real and personal property value occurring within Portland city limits. The expansion of successful companies, like Lincoln & Allen, is key to maintaining the industrial tax base for local government.

d Clark

L. LaCrosse
Director

W. Fifth Avenue
d, OR 97204
823-3200
503) 823-3368



Mr. Mark Huston
March 20, 1991
Page Two

6. The project results in the creation of twenty-four (24) new well-paying positions within the City of Portland over three years, the majority of which are assembly/production in nature. The company supports the extension of training opportunities of Oregon workers into this industry in an apprenticeship training program developed in cooperation with appropriate union and vocational trainers.
7. The additional expansion of the company can be accomplished without any other public subsidy or public investment in roads, sewer, or other public utilities.

Sincerely,



Janet S. Bureson
Director of Economic Development

cc: Multnomah County Board of Commissioners c/o Bob Hall
Multnomah County Planning

Pat Newman, Lincoln & Allen



MULTNOMAH COUNTY OREGON

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

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

EQUAL EMPLOYMENT OPPORTUNITY AGREEMENT

The applicant agrees that in consideration of the issuance of Oregon Economic Development Revenue Bonds or inclusion in the Oregon Economic Lagging Area Program the applicant will not unlawfully discriminate against any employee or applicant for employment because of sex, age, race, creed, color, national origin, physical or mental handicap with respect to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The applicant will send to each labor union or representative of workers with whom applicant has a bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the applicant's commitment to the Multnomah County Equal Employment Opportunity Agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The applicant for Oregon Economic Development Revenue Bonds and/or the Oregon Economic Lagging Area Tax Credit Program shall submit Form MC-DES 1 to the Oregon Economic Development Commission and Multnomah County Department of Environmental Services, Division of Planning and Development at the time of filing of application for determination of Oregon Industrial Revenue Bond and/or Economic Lagging Area project eligibility.

The applicant for Oregon Industrial Revenue Bonds shall submit Form MC-DES 2 to the Oregon Economic Development Commission and Multnomah County Department of Environmental Services, Division of Planning and Development, at the 6-month anniversary of final expenditure of Oregon Industrial Revenue Bond sale proceeds.

The applicant for the Oregon Economic Lagging Area Tax Credit Program shall submit Form MC-DES 2 to the Oregon Economic Development Commission and Multnomah County Department of Environmental Services, Division of Planning and Development, at the end of each fiscal year for which Oregon Economic Lagging Area Tax Credits are claimed.

An applicant for Oregon Economic Development Revenue Bond Program and/or the Oregon Economic Lagging Area Tax Credit Program who generates ten or more new positions as a result of the utilization of the above mentioned program(s) will submit the information required by Exhibit II of MCC 11.08.255. to the Oregon Economic Development Commission and Multnomah County Division of Planning and Development when filing the first MC-DES 2 form.

Authorized Company Official

Charles M. Hopkins
Print Name

Charles M. Hopkins
Signature

Title President Date March 15, 1991

RECEIVED
MAR 15 1991
Multnomah County
Zoning Division

Reviewed:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By _____

RECEIVED
MAR 15 1991

MC-DES 1

**CURRENT AND PROJECTED
PERMANENT EMPLOYEE
AND PAYROLL DATA**

Name and Address of Organization

Lincoln & Allen Multnomah County
P. O. Box 10745 Zoning Division
Portland, OR 97210

I. Check Appropriate Box

☒ IRB Applicant
☐ ELA Applicant
☐ Other (IR#)

II. Project Number #2

III. Project Completion Date

June 30, 1991

IV. Job Categories	V. Sex		VI. Present Employees					VII. Jobs to be Saved		VIII. New Jobs to be Created						IX. Summary New Employees				X. Employee Totals	
		Sex	A. Total Employees	B. Black	C. Hispanic	D. Asian or Pacific Islander	E. American Indian or Alaskan Native	F. Total Employees	G. Total Minorities	H. Total Employees	I. Black	J. Hispanic	K. Asian or Pacific Islander	L. American Indian or Alaskan Native	M. Total non-Multico Hires	N. Total Previously Unemployed	O. Total Age 40+	P. Total Minorities	Q. Total Employees	R. Total Minorities	
Officials and Managers	MF	F																			
	MM	M	4					4											4		
Professionals	PF	F	1					1											1		
	PM	M																			
Technicians	TF	F																			
	TM	M																			
Sales Workers	SF	F																			
	SM	M	3					3											3		
Office and Clerical	OF	F	5					5		1									6		
	OM	M	2					2		1									3		
Craftsperson (skilled)	CF	F	1				1	1	1										1	1	
	CM	M	24			1		24	1	5									29	1	
Operatives (semi-skilled)	XF	F	10					10		1									11		
	XM	M	7			1		7	1										7	1	
Laborers (unskilled)	LF	F	4					4		8									12		
	LM	M	32	1	1	5		32	7	8									40	7	
Service Work and Others	WF	F																			
	WM	M																			
TOTAL	AF	F	21					21	1	10									31	1	
	AM	M	72	1	1	7		72	9	14									86	9	

XI. Present Annual Total Payroll

(OAP) \$2,692,547 (PPM) \$181,743 (PPF) \$538,509
Total Minorities Female

XIII. Present Temporary and Part Time Employees

(TMT) 7 (TMM) 1 (TMF) 3 (TMS) \$96,225
Total No. of Minorities No. of Females Annual Payroll

XII. Expected Annual Total Payroll When Fully Operational

(FOS) \$3,823,480 (OPM) \$267,644 (OPF) \$764,696
Total Minorities Female

XIV. Expected Temporary and Part Time Employees When Fully Operational

(PTT) 12 (PTM) 3 (PTF) 6 (PTS) \$198,224
Total No. of Minorities No. of Females Annual Payroll

XV. This Form Prepared By:

Controller Patricia Newman 503 223-2035
Type Name and Position Signature Date Telephone No.
March 15, 1991

XVI. Authorized Company Official:

Charles Hopkins, President Charles M. Hoph March 15, 1991
Type Title of Officer Signature Date

No further monies or other benefits may be authorized under this program unless this report is completed and filed as required by existing law and regulations.

MC-DES 2

FINAL PERMANENT EMPLOYEE
AND PAYROLL DATA

Name and Address of Organization

Lincoln & Allen Co. Multnomah County
P. O. Box 10745
Portland, OR 97210
Zoning DivisionRECEIVED
MAR 15 1991

I. Check Appropriate Box

☒ IRB Applicant
☐ ELA Applicant
☐ Other _____
(IR#)

II. Project Number # 1

III. Project Completion Date

12-30-90

IV. Job Categories	V. Sex		VI. Present Employees						VII. Jobs to be Saved		VIII. New Jobs to be Created						IX. Summary New Employees				X. Employee Totals	
		Sex	A. Total Employees	B. Black	C. Hispanic	D. Asian or Pacific Islander	E. American Indian or Alaskan Native	F. Total Employees	G. Total Minorities	H. Total Employees	I. Black	J. Hispanic	K. Asian or Pacific Islander	L. American Indian or Alaskan Native	M. Total non-Multico Hires	N. Total Previously Unemployed	O. Total Age 40+	P. Total Minorities	Q. Total Employees	R. Total Minorities		
Officials and Managers	MF	F																				
	MM	M																	4			
Professionals	PF	F																	1			
	PM	M																				
Technicians	TF	F																				
	TM	M																				
Sales Workers	SF	F																	3			
	SM	M																				
Office and Clerical	OF	F																	5			
	OM	M																	2			
Craftsperson (skilled)	CF	F																	1	1		
	CM	M																	24	1		
Operatives (semi-skilled)	XF	F																	10			
	XM	M																	7	1		
Laborers (unskilled)	LF	F																	4			
	LM	M																	32	7		
Service Work and Others	WF	F																				
	WM	M																				
TOTAL	AF	F																	21	1		
	AM	M																	72	9		

XI. Present Annual Total Payroll

(OAP) \$ 2,692,547 (PPM) \$ 181,743 (PPF) \$ 538,509
Total Minorities Female

XIII. Present Temporary and Part Time Employees

(TMT) 7 (TMM) 1 (TMF) 3 (TMS) \$ 96,225
Total No. of Minorities No. of Females Annual Payroll

XII. Expected Annual Total Payroll When Fully Operational

(FOS) \$ _____ (OPM) \$ _____ (OPF) \$ _____
Total Minorities Female

XIV. Expected Temporary and Part Time Employees When Fully Operational

(PTT) _____ (PTM) _____ (PTF) _____ (PTS) \$ _____
Total No. of Minorities No. of Females Annual Payroll

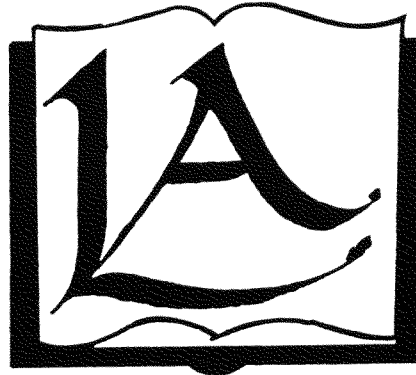
XV. This Form Prepared By:

Controller Patricia Newman 503 223-2035
Type Name and Position Signature Date Telephone No.
March 15, 1991

XVI. Authorized Company Official:

Charles Hopkins, President Charles M. Hopkins March 15, 1991
Type Title of Officer Signature Date

No further monies or other benefits may be authorized under this program unless this report is completed and filed as required by existing law and regulations.



LINCOLN
& ALLEN
B I N D E R Y

APPLICATION FOR
INDUSTRIAL DEVELOPMENT REVENUE BONDS
MARCH, 1991

The Bindery of Choice.

Full Service Trade Bindery

Saddle Stitching

Perfect Binding

Seam & Soft Cover

Wire-O-Binding

Spiral Binding

Plastic Comb Binding

Hard Case Binding

Folding

Drilling

3-Knife Trimming

Shrink Wrapping

Film Laminating



**LINCOLN
& ALLEN**

3033 N.W. Yeon Ave.

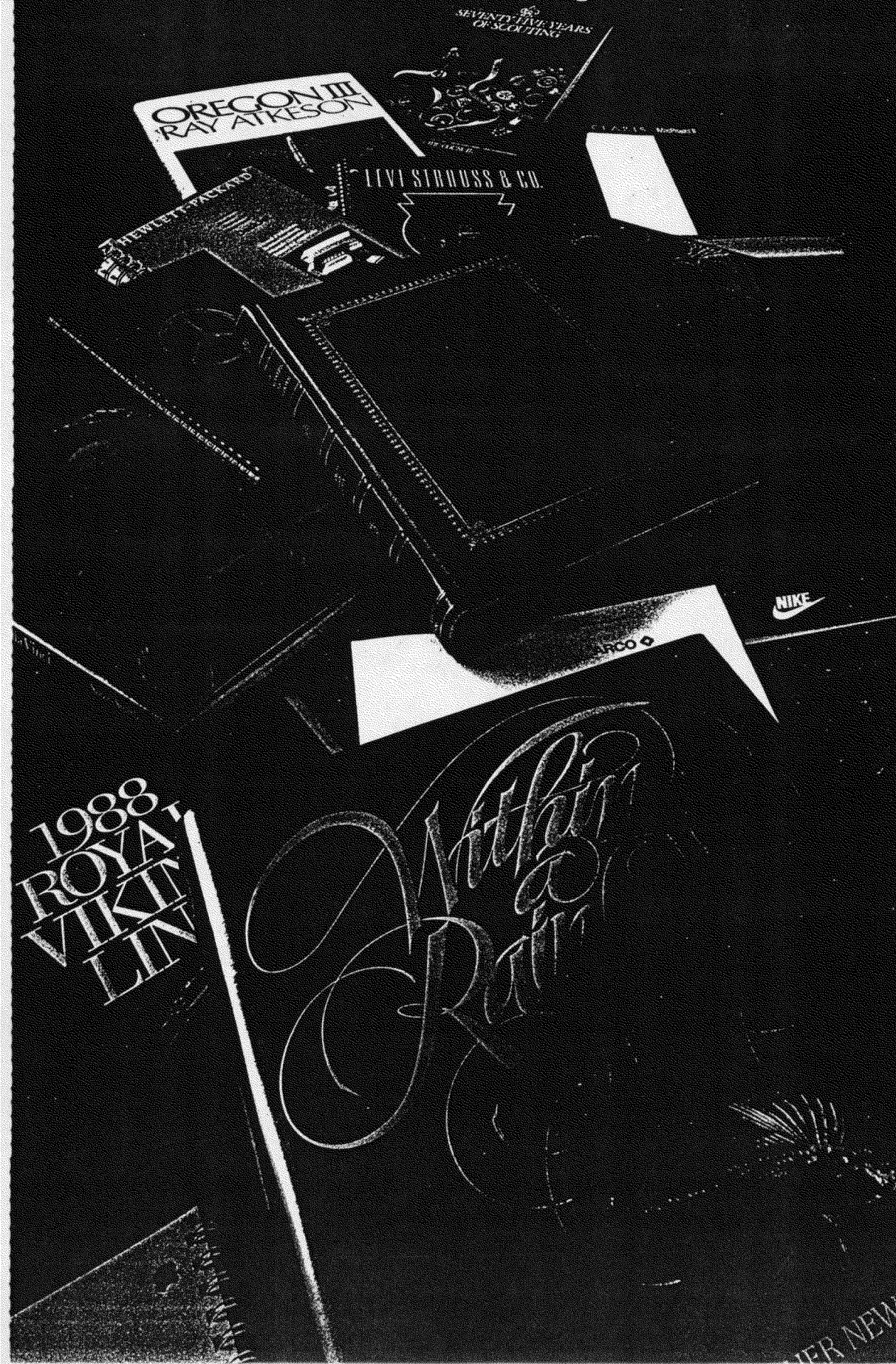
P.O. Box 10745

Portland, Oregon 97210

(503) 223-2035

FAX (503) 223-1410

1-800-824-1632



APPLICATION FOR INDUSTRIAL DEVELOPMENT REVENUE BONDS

I. Applicant Information

A. Lincoln & Allen Company	Charles M. Hopkins
3033 N. W. Yeon Avenue	11878 Riverwood Road
P. O. Box 10745	Portland, Oregon 97219
Portland, Oregon 97210	Telephone: (503) 636-0351
Telephone: (503) 223-2035	SS No.: 574-14-8066
Federal ID No.: 93-0585319	
Industrial Classification Code: 2731	

B. Headquarters location:
3033 N. W. Yeon, Portland, Oregon 97210

C. Type of business: Sub Chapter S Corporation

D. Chief executive officer: Charles M. Hopkins, President

E. Other locations: None

F. The company is not listed on any securities exchange.

G. Corporate officers:
Charles M. Hopkins, President
Howard R. Klug, Vice President
Personal financial statements - Exhibit E

H. Major stockholders:

Charles M. Hopkins - 60%	Howard R. Klug - 30%
11878 Riverwood Road	6570 S. W. Queen Lane
Portland, Oregon 97219	Beaverton, Oregon 97005

I. Financial statements per attached - Exhibit A

J. Lincoln & Allen Co. was started in 1902 as a family owned bindery and operated as such until 1969. In 1969 the company was purchased by Graphic Arts Center, one of Oregon's largest commercial printers, and operated as a subsidiary until 1985 when it was purchased by a management group from within the company.

Officers of Lincoln & Allen Company are Charles Hopkins, President and CEO, and Howard Klug, Vice President and General Manager. Mr. Hopkins was formerly Vice President of Finance for Graphic Arts Center. (See resume attached - Exhibit F.) Mr. Klug has been with Lincoln & Allen since 1957 and has been in the bindery business for the past 40 years. Other members of Lincoln & Allen's management who purchased shares in the company are Robert Bengston, Richard Kelly, Richard Perlinger and Ronald Walker.

Lincoln & Allen is the largest full-service bindery on the West Coast. We provide hardcover, softcover, stitching and mechanical binding, along with various folding, trimming, and drilling services to over 350 printers and publishers from Northern California to British Columbia. Graphic designers, print buyers, and major printers view Lincoln & Allen as a unique bindery able to function as an equal partner in the production of printed material.

The company's sales have grown from \$2.7 million in fiscal 1986 when it was acquired to a projected \$7.1 million this year. This is a compounded growth rate of 21%.

II. Project Information

- A. The proposed location of the project is at the company's principal facility at 3033 N. W. Yeon in Portland's Northwest Industrial area. The project is not in either an economically lagging area or an enterprise area.
- B. The project is expected to start April 1, 1991 and be completed by June 30, 1991.
- C. The company received \$1,175,000 in Industrial Development Revenue Bonds in late 1989 for expansion of its bindery facility and for bindery equipment. The equipment installed in March 1990 was expected to handle the company's needs for the next three years. Actual volume has already exceeded what was projected for the second year and the present quarter is expected to exceed our three shift capacity by 31%. The company has clearly

underestimated the demand for adhesive binding and now wishes to add \$1,750,000 to it's previous bond issue to allow for additional capacity.

At the same time, the out of state owners of the only other large bindery located in Portland moved it's facilities to California, leaving a major gap in the binding market for a unique lay flat version of adhesive binding used for binding manuals for the computer industry which will force local printers to send their work to either California or Seattle.

The equipment that will be added is capable of producing either regular adhesive binding like the company has been doing or the lay flat or Otabind binding that had been provided by the bindery that has moved.

The previous bond issue had also anticipated the acquisition of adjacent land and the construction of a 7000 square foot addition to the company's facility. This plan proved to be impractical and costly, so the company has negotiated a long-term lease for 18,200 square feet across the street that will allow us to move other equipment from our present facility to allow space to accommodate the new equipment.

- D. The company's products include a full range of bookbinding including hardcover, softcover, stitching, and mechanical binding along with various folding, trimming and drilling services. The company presently operates an adhesive binding line that is operating at 131% of three shifts and is having to turn work away that must be bound in either Washington or California or is lost to out of state printers. Sales of adhesive bound products represent approximately 42% of the company's sales. (Exhibit B).

E. Bond Proceeds:

1. Adhesive Binder with Otabind capability	\$1,410,000
Support Equipment	305,000
4. Other - Bond Fees	35,000
5. Total Bond	\$1,750,000
6. Bond Issue as a % of Total Project	100%

F. The anticipated market for adhesive binding is expected to come from the company's existing customers and market areas which include over 350 printers and publishers from Northern California to British Columbia. Approximately 30% of our customers and 40% of our sales are from outside Oregon. We estimate that another 40% of our sales to Oregon customers are for their customers outside of Oregon. So, as much as 80% of our work is for customers outside of Oregon that is creating employment for Oregonians.

G. Projected impact on the local economy:

1. The company's facility is located on Yeon Avenue which was significantly upgraded as an extension of the 405 Freeway and is presently understood to be functioning at only 70% of its service capacity. The proposed project will not require additional support services. Current sewer and water service will be adequate, and schools are not affected as the area is industrial.
2. The company serves a growing printing and publishing industry in Oregon. Printers are not providing these services in-house because the wide range of alternative binding styles required by their customers do not individually present enough volume for printers to justify the investment. In cases where they do choose to invest in binding equipment, they usually do not have

sufficient capacity to handle all of their own work during peak months and often run into scheduling problems.

The existence of a strong trade bindery with adequate capacity in all the binding styles allows the printers to concentrate their investments in press equipment that they are able to more fully utilize with the assurance that they can get their binding work done. The result is that expanded bindery capacity not only adds employment in our company, but allows printers to expand their employment as well. Eight of the company's major customers have recently added or intend to add major printing press capacity which is expected to further increase demand for bindery services.

A significant portion of the work that is produced on this equipment comes from out of state through sales offices maintained by the company's customers in New York, Chicago, Dallas, Detroit, Minneapolis, Los Angeles, San Francisco, Sacramento, San Jose and Seattle, so its growth has historically been significantly higher than the local economy.

- H. This application has been submitted to the Portland Development Commission who will in turn submit it to the necessary city and county agencies. (Exhibit D).

III. Labor Force

- A. The company has grown from 50 employees in 1986 when it was acquired to 102 at the present time. This is a compounded growth rate of 22% a year. Currently 95 employees are full time and we use the equivalent of an additional 7 part time employees to accommodate the fluxuation in work levels. (Exhibit B).

- B. Current employment at project site - Same as A

C. Additional fulltime employees to be hired for project:

1. First Year	-	13
2. Second Year	-	5
3. Third Year	-	<u>6</u>
Total Additional Jobs		24

D. Labor category of jobs created:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Bookbinder I	5		
Bookbinder II	1		
General Worker	7	4	5
Office Clerical		1	1
Total	<u>13</u>	<u>5</u>	<u>6</u>

E. The project does not have any special labor requirements other than skilled bookbinders. The skilled bookbinders are expected to be promoted from within.

F. No special worker-training programs are anticipated. The company maintains an apprenticeship program of on-the-job training starting with entry level employees.

G. The project does not involve a plant relocation.

IV. Projected Payroll and Profits Please refer to the attached Analysis of Cash Flow. (Exhibit B).

A. Wages from expansion:

First Year	\$ 559,258
Second Year	851,733
Third Year	1,028,934

These wage figures include the wages from the additional employees required for this project plus 11 fulltime employees in the first year and 6 fulltime employees in the second year still to be added from the first bond project.

B. Gross profit from expansion:

First Year	\$ 327,017
Second Year	566,930
Third Year	823,821

C. No local government expenditures for public services are anticipated.

Schedule of Exhibits:

Exhibit A	-	Company Financial Statements
Exhibit B	-	Analysis of Cash Flow
Exhibit C	-	Signature page
Exhibit D	-	Letter to PDC
Exhibit E	-	Personal Financial Statement
Exhibit F	-	Mr. Hopkins resume

	----- CURRENT -----		----- LAST YEAR -----		----- NET CHANGE -----	
	AMOUNT	PCT	AMOUNT	PCT	AMOUNT	PCT
ASSETS						
CURRENT ASSETS						
CASH	553.48	0.0	4,725.84	0.1	4,172.36-	88.3-
BOND FUNDS	209,243.51	4.6	600,222.57	14.8	390,979.06-	65.1-
ACCOUNTS RECEIVABLE	1,845,804.20	40.9	901,986.30	22.2	943,817.90	104.6
INVENTORIES	149,486.11	3.3	161,869.97	4.0	12,383.86-	7.7-
PREPAID EXPENSES	54,798.30-	1.2-	17,304.55-	0.4-	37,493.75-	216.7
OTHER CURRENT ASSETS	1,985.81	0.0	566,118.01	13.9	564,132.20-	99.6-
TOTAL CURRENT ASSETS	2,152,274.81	47.6	2,217,618.14	54.6	65,343.33-	2.9-
FIXED ASSETS						
PROPERTIES, AT COST	3,640,838.75	80.6	2,681,809.34	66.1	959,029.41	35.8
LESS DEPR. RESERVE	1,335,897.78-	29.6-	886,453.44-	21.8-	449,444.34-	50.7
TOTAL FIXED ASSETS	2,304,940.97	51.0	1,795,355.90	44.2	509,585.07	28.4
LOAN FEES	60,101.43	1.3	46,639.19	1.1	13,462.24	28.9
TOTAL ASSETS	4,517,317.21	100.0	4,059,613.23	100.0	457,703.98	11.3
LIABILITIES AND EQUITY						
CURRENT LIABILITIES						
SHORT TERM DEBT	437,437.64	9.7	143,330.19	3.5	294,107.45	205.2
LONG TERM DEBT-CURRENT	618,832.14	13.7	474,507.89	11.7	144,324.25	30.4
ACCOUNTS PAYABLE	386,604.58	8.6	287,223.86	7.1	99,380.72	34.6
ACCRUED PAYROLL	218,361.50	4.8	126,794.86	3.1	91,566.64	72.2
ACC. EXPENSES & OTHER	19,813.45-	0.4-	24,461.13-	0.6-	4,647.68	19.0-
TOTAL CURRENT LIABILITIES	1,641,422.41	36.3	1,007,395.67	24.8	634,026.74	62.9
DEFERRED TAXES PAYABLE	0.00	0.0	0.00	0.0	0.00	0.0
LONG TERM DEBT	1,775,003.44	39.3	2,405,714.46	59.3	630,711.02-	26.2-
TOTAL LIABILITIES	3,416,425.85	75.6	3,413,110.13	84.1	3,315.72	0.1
SHAREHOLDERS' EQUITY						
CAPITAL STOCK	1,000.00	0.0	1,000.00	0.0	0.00	0.0
RETAINED EARNINGS	982,978.36	21.8	528,590.10	13.0	454,388.26	86.0
PAID-IN-CAPITAL	116,913.00	2.6	116,913.00	2.9	0.00	0.0
TOTAL SHAREHOLDERS EQUITY	1,100,891.36	24.4	646,503.10	15.9	454,388.26	70.3
TOTAL LIAB. AND EQUITY	4,517,317.21	100.0	4,059,613.23	100.0	457,703.98	11.3

INCOME STATEMENT
January 01, 1991 - January 31, 1991
REPORT # 02 VERSION # 000012 FORMAT # 01

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	LAST YEAR	PCT	THIS YEAR	PCT	LAST YEAR	PCT	AMOUNT	VAR%
SALES	725,282.65	100.0	444,355.28	100.0	5,919,363.27	100.0	5,071,794.94	100.0	847,568.33	16.7
COST OF SALES										
COVER	7,508.88	1.0	10,031.82	2.3	189,415.06	3.2	110,808.28	2.2	78,606.78	70.9
BOARD	6,975.10	1.0	6,193.58	1.4	128,695.86	2.2	73,045.02	1.4	55,650.84	76.2
OUTSIDE TRADE	28,393.29	3.9	15,432.41	3.5	270,638.95	4.6	306,426.89	6.0	35,787.94	11.7
OTHER MATERIAL	48,340.73	6.7	35,363.28	8.0	465,730.65	7.9	430,255.88	8.5	35,474.77	8.2
TOTAL MATERIAL	91,218.00	12.6	67,021.09	15.1	1,054,480.52	17.8	920,536.07	18.2	133,944.45	14.6
FACTORY COST	408,190.95	56.3	291,554.14	65.6	3,604,386.88	60.9	3,133,402.81	61.8	470,984.07	15.0
COST OF SALES	499,408.95	68.9	358,575.23	80.7	4,658,867.40	78.7	4,053,938.88	79.9	604,928.52	14.9
GROSS PROFIT	225,873.70	31.1	85,780.05	19.3	1,260,495.87	21.3	1,017,856.06	20.1	242,639.81	23.8
ADMINISTRATIVE EXPENSE	66,064.11	9.1	40,207.12	9.0	481,538.78	8.1	379,599.39	7.5	101,939.39	26.9
SELLING EXPENSE	33,993.42	4.7	20,957.23	4.7	227,297.14	3.8	202,510.26	4.0	24,786.88	12.2
TOTAL	100,057.53	13.8	61,164.35	13.8	708,835.92	12.0	582,109.65	11.5	126,726.27	21.8
OPERATING INCOME	125,816.17	17.3	24,615.70	5.5	551,659.95	9.3	435,746.41	8.6	115,913.54	26.6
INTEREST EXPENSE	20,764.65	2.9	18,275.76	4.1	232,935.16	3.9	189,895.59	3.7	43,039.57	22.7
OTHER (INCOME) EXPENSE	6.46	0.0	16.26	0.0	30,647.83	0.5	8,350.18	0.2	22,297.65	267.0
TOTAL	20,758.19	2.9	18,259.50	4.1	202,287.33	3.4	181,545.41	3.6	20,741.92	11.4
INCOME BEFORE TAXES	105,057.98	14.5	6,356.20	1.4	349,372.62	5.9	254,201.00	5.0	95,171.62	37.4
INCOME TAX EXPENSE	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	*****
NET INCOME	105,057.98	14.5	6,356.20	1.4	349,372.62	5.9	254,201.00	5.0	95,171.62	37.4

Coopers
& Lybrand

certified public account

REPORT OF INDEPENDENT ACCOUNTANTS

To the Stockholders
Lincoln & Allen Company
Portland, Oregon

We have audited the accompanying balance sheets of Lincoln & Allen Company as of March 31, 1990 and 1989 and the related statements of income, changes in stockholders' equity and cash flows for the years ended March 31, 1990 and 1989. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Lincoln & Allen Company as of March 31, 1990 and 1989 and the results of its operations and cash flows for the years then ended, in conformity with generally accepted accounting principles.

Coopers & Lybrand

Portland, Oregon
June 1, 1990

LINCOLN & ALLEN COMPANY
BALANCE SHEETS
March 31, 1990 and 1989

ASSETS	<u>1990</u>	<u>1989</u>
Current assets:		
Cash	\$ 7,231	\$ 4,186
Industrial Revenue Bond Fund	67,135	
Receivables, including \$197,499 and \$259,987 from Graphic Arts Publishing Company in 1990 and 1989, respectively	1,204,853	979,733
Inventories	219,888	251,189
Prepaid expenses	<u>38,887</u>	<u>30,684</u>
Total current assets	1,537,994	1,265,792
Property and equipment, net	2,626,761	1,919,206
Deposits on property and equipment		2,250
Restricted cash held by trustee for capital projects	301,074	
Loan fees, net	<u>62,879</u>	<u>8,618</u>
	<u>\$4,528,708</u>	<u>\$3,195,866</u>
LIABILITIES		
Current liabilities:		
Notes payable, due within one year	\$ 741,306	\$ 695,283
Accounts payable	317,747	289,197
Accrued liabilities	<u>335,768</u>	<u>177,050</u>
Total current liabilities	1,394,821	1,161,530
Notes payable, due after one year	<u>2,382,368</u>	<u>1,596,034</u>
	<u>3,777,189</u>	<u>2,757,564</u>
STOCKHOLDERS' EQUITY		
Common stock, \$1 par value, 1,000 shares authorized, issued and outstanding	1,000	1,000
Additional paid-in capital	116,913	116,913
Retained earnings	<u>633,606</u>	<u>320,389</u>
	<u>751,519</u>	<u>438,302</u>
	<u>\$4,528,708</u>	<u>\$3,195,866</u>

The accompanying notes are an integral
part of the financial statements.

LINCOLN & ALLEN COMPANY
STATEMENTS OF INCOME
for the years ended March 31, 1990 and 1989

	<u>1990</u>	<u>1989</u>
Revenue	\$6,306,764	\$4,886,903
Cost of sales	<u>4,992,354</u>	<u>4,076,786</u>
Gross profit	<u>1,314,410</u>	<u>810,117</u>
Selling expenses	256,553	169,909
General and administrative expenses	<u>475,071</u>	<u>391,844</u>
	<u>731,624</u>	<u>561,753</u>
Income from operations	<u>582,786</u>	<u>248,364</u>
Other income (expense):		
Interest income	4,117	167
Interest expense	(236,373)	(229,247)
Gain on sale of property and equipment	<u>8,687</u>	<u>11,929</u>
	<u>(223,569)</u>	<u>(217,151)</u>
Net income	<u>\$ 359,217</u>	<u>\$ 31,213</u>

The accompanying notes are an integral
part of the financial statements.

LINCOLN & ALLEN COMPANY
STATEMENTS OF CHANGES IN STOCKHOLDERS' EQUITY
for the years ended March 31, 1990 and 1989

	<u>Common Stock</u>	<u>Additional Paid-in Capital</u>	<u>Retained Earnings</u>	<u>Total</u>
Balance, March 31, 1988	\$1,000	\$116,913	\$289,176	\$407,089
Net income	_____	_____	<u>31,213</u>	<u>31,213</u>
Balance, March 31, 1989	1,000	116,913	320,389	438,302
Net income			359,217	359,217
Dividends paid	_____	_____	<u>(46,000)</u>	<u>(46,000)</u>
Balance, March 31, 1990	<u>\$1,000</u>	<u>\$116,913</u>	<u>\$633,606</u>	<u>\$751,519</u>

The accompanying notes are an integral
part of the financial statements.

LINCOLN & ALLEN COMPANY
STATEMENTS OF CASH FLOWS
for the years ended March 31, 1990 and 1989

	<u>1990</u>	<u>1989</u>
Cash flows from operating activities:		
Net income	\$ 359,217	\$ 31,213
Adjustments to reconcile net income to cash provided by (used in) operating activities:		
Depreciation	387,175	307,435
Gain on sale of property and equipment	(8,687)	(11,929)
Amortization of loan fees	4,661	2,104
Receivables	(225,120)	(457,802)
Inventories	31,301	(1,178)
Prepaid expenses	(8,203)	(8,034)
Accounts payable	28,550	73,823
Accrued liabilities	<u>158,718</u>	<u>43,546</u>
Cash provided by (used in) operating activities	<u>727,612</u>	<u>(20,822)</u>
Cash flows from investing activities:		
Purchases of property and equipment	(1,120,279)	(1,094,344)
Proceeds from sale of property and equipment	<u>36,486</u>	<u>93,116</u>
Cash used in investing activities	<u>(1,083,793)</u>	<u>(1,001,228)</u>
Cash flows from financing activities:		
Dividends paid	(46,000)	
Additions to notes payable	1,270,000	1,163,245
Payments on notes payable	(437,643)	(174,599)
Industrial Revenue Bond Fund	(67,135)	
Unexpended economic development revenue bond proceeds restricted for capital projects	(301,074)	
Loan fees	<u>(58,922)</u>	
Cash provided by financing activities	<u>359,226</u>	<u>988,646</u>
Increase (decrease) in cash	3,045	(33,404)
Cash, beginning of year	<u>4,186</u>	<u>37,590</u>
Cash, end of year	<u>\$ 7,231</u>	<u>\$ 4,186</u>
Supplemental disclosure of cash flow information:		
Cash paid during the year for interest	<u>\$ 236,487</u>	<u>\$ 219,165</u>

The accompanying notes are an integral part of the financial statements.

LINCOLN & ALLEN COMPANY
NOTES TO FINANCIAL STATEMENTS

1. The Company and Summary of Significant Accounting Policies:

Lincoln & Allen Company (the Company) was incorporated July 26, 1985 and is engaged primarily in book binding.

Following is a summary of significant accounting policies followed by the Company.

Inventories

Inventories are stated at the lower of first-in, first-out (FIFO) cost or market value.

Property and Equipment

Property and equipment are stated at cost. Depreciation is computed using the straight-line method over the estimated useful lives (5-7 years) of the related assets. Maintenance and repairs are charged to expense as incurred; expenditures for additions, improvements and replacements are capitalized. Upon disposal of property and equipment subject to depreciation, the accounts are relieved of the related costs and accumulated depreciation and resulting gains and losses are reflected in the statement of income.

Restricted Cash

The restricted cash at March 31, 1990 represents the unexpended proceeds of the economic development revenue bonds obtained specifically for the acquisition of binding equipment and expanding and remodeling the existing facility.

Income Taxes

The Company has elected to be treated as an S Corporation. Accordingly, the financial statements include no provision for income taxes as such taxes are the responsibility of the Company's stockholders.

Cash and Cash Equivalents

For purposes of the statements of cash flows, the Company considers all short-term highly liquid investments with original maturities of three months or less to be cash equivalents.

LINCOLN & ALLEN COMPANY
NOTES TO FINANCIAL STATEMENTS, Continued

2. Receivables:

	<u>1990</u>	<u>1989</u>
Trade accounts receivable	\$1,217,249	\$973,460
Other	17,265	15,914
Less allowance for doubtful accounts	<u>(29,661)</u>	<u>(9,641)</u>
	<u>\$1,204,853</u>	<u>\$979,733</u>

3. Inventories:

	<u>1990</u>	<u>1989</u>
Raw materials	\$154,995	\$168,231
Work in process	<u>64,893</u>	<u>82,958</u>
	<u>\$219,888</u>	<u>\$251,189</u>

4. Property and Equipment:

	<u>1990</u>	<u>1989</u>
Machinery and equipment	\$3,492,469	\$2,441,221
Office furniture and fixtures	23,999	28,432
Leasehold improvements	<u>67,048</u>	<u>46,191</u>
	3,583,516	2,515,844
Less accumulated depreciation	<u>956,755</u>	<u>596,638</u>
	<u>\$2,626,761</u>	<u>\$1,919,206</u>

LINCOLN & ALLEN COMPANY
NOTES TO FINANCIAL STATEMENTS, Continued

5. Notes Payable:

	<u>Total</u>	<u>Due Within One Year</u>	<u>Due After One Year</u>
Notes payable under \$600,000 line of credit (up to 80% of eligible accounts receivable), with United States National Bank of Oregon, collateralized by all assets, interest at 1% over prime (prime was 10% at March 31, 1990)	\$ 261,179	\$261,179	
Note payable to Graphic Arts Center, Inc., collateralized by all assets, but subordinate to bank indebtedness, quarterly interest payments at 11%, annual principal payments of varying amounts, matures May 1991	169,500	40,500	\$ 129,000
Note payable to United States National Bank of Oregon, collateralized by equipment, payable in monthly installments of \$10,035 including interest at 10.25%, matures March 1992	216,264	103,008	113,256
Note payable to United States National Bank of Oregon, collateralized by property and equipment and guaranteed by majority stockholder, payable in monthly installments of \$23,268 including interest at 10.5%, due August 1992	1,150,792	166,450	984,342
Note payable to Graphic Arts Center, Inc., collateralized by all assets, but subordinate to bank indebtedness, quarterly payments of \$5,582 including interest at 11%, matures May 1993	60,325	16,352	43,973
Note payable to United States National Bank of Oregon, collateralized by equipment, payable in monthly installments of \$3,156 including interest at 12%, matures December 1993	90,614	28,817	61,797
Revenue bonds payable to the State of Oregon Economic Development Department, collateralized by property and equipment, semi-annual interest payments at 8.9%, annual principal payments at varying amounts, matures December 1996 (monthly payments of \$18,550 including interest - \$67,135 cumulative as of March 31, 1990 - are accumulated in a bond fund at U.S. National Bank of Oregon for payment of bonds)	1,175,000	125,000	1,050,000
	<u>\$3,123,674</u>	<u>\$741,306</u>	<u>\$2,382,368</u>

LINCOLN & ALLEN COMPANY
NOTES TO FINANCIAL STATEMENTS, Continued

5. Notes Payable, Continued:

Under loan agreements, the Company has made certain covenants requiring the maintenance of working capital of \$100,000 and a debt to tangible net worth (including subordinated debt as tangible net worth) ratio not to exceed 4:1 and the limiting of majority stockholder compensation and capital expenditures in any one fiscal year.

Additionally, the Company has made certain covenants relating to the revenue bonds, requiring the maintenance of equity (including subordinated debt) of \$800,000, debt to net worth of 4.9:1 (4.0:1 by March 1992) and a current ratio of 1.1:1.

Approximate maturities of notes payable for each of the years ending March 31 are as follows:

1991	\$ 741,306
1992	617,425
1993	999,511
1994	170,432
1995	180,000
Thereafter	<u>415,000</u>
	<u>\$3,123,674</u>

6. Pension Plans:

In accordance with collective bargaining agreements, the Company makes contributions at specified rates to the pension trusts of two multi-employer pension plans. Such contributions, which totaled approximately \$86,000 and \$65,000 for 1990 and 1989, respectively, are funded on a current basis. The Company's relative position in these plans with respect to the actuarial value of accumulated vested and nonvested plan benefits and net assets available for benefits is not presently available to the Company. However, the most recent actuarial information available with respect to each of these plans indicates their total assets exceed their total actuarially computed liability for vested benefits.

LINCOLN & ALLEN COMPANY
NOTES TO FINANCIAL STATEMENTS, Continued

7. Related Party Transactions:

The Company's majority stockholder is also the majority stockholder of Graphic Arts Center Publishing Company. Significant transactions and year-end account balances between the Company and related parties are as follows:

	<u>1990</u>	<u>1989</u>
Sales to Graphic Arts Center Publishing Company	\$625,280	\$527,019
Receivable from Graphic Arts Center Publishing Company, net	181,821	259,987
Rent paid to majority stockholder	126,760	124,800
Receivable from majority stockholder	16,703	15,352

8. Lease Commitments:

The Company leases office and production facilities from its majority stockholder under a five year operating lease which expires in September 1991. This lease has a five year renewal option. Additionally, the Company leases warehouse space and office equipment under two leases expiring March 1991 and September 1993, respectively. Rent expense for 1990 and 1989 totaled \$145,447 and \$143,741, respectively.

Future minimum lease payments for each of the years ending March 31 are as follows:

1991	\$155,328
1992	72,648
1993	4,368
1994	<u>2,184</u>
	<u>\$234,528</u>

9. Major Customers:

The Company has sales to one customer amounting to 29% and 42% of total revenue for the years ended March 31, 1990 and 1989, respectively. Additionally, as discussed in Note 7, sales to an affiliated company were approximately 10% and 11% of total revenue for the years ended March 31, 1990 and 1989, respectively.

	TOTAL PLANT							PERFECT BINDING							OTHER BINDING						
	FYE 89 ACTUAL	FYE 90 ACTUAL MO =	YTD 91 ACTUAL 10	FYE 91 ACT/PLN 12	FYE 92 PLAN	FYE 93 PLAN	FYE 94 PLAN	FYE 89 ACTUAL	FYE 90 ACTUAL MO =	YTD 91 ACTUAL 10	FYE 91 ACT/PLN 12	FYE 92 PLAN	FYE 93 PLAN	FYE 94 PLAN	FYE 89 ACTUAL MO =	FYE 90 ACTUAL MO =	YTD 91 ACTUAL 10	FYE 91 ACT/PLN 12	FYE 92 PLAN	FYE 93 PLAN	FYE 94 PLAN
# OF JOBS	1375	1797	1528	1834	2160	2269	2339	401	613	685	822	1110	1245	1311	974	1184	843	1012	1050	1071	1093
LINE HOURS	27045	30122	24238	29086	32449	34095	35137	3561	4690	5703	7221	9747	10938	11517	23484	25432	18535	21865	22703	23157	23620
SUPPORT HOURS	17401	15819	12626	15151	18919	19610	19928	2212	3050	2346	3061	5247	5801	5843	15189	12768	10280	12090	13672	13809	14085
RATIO	.64	.53	.52	.52	.58	.58	.57	.62	.65	.41	.42	.54	.53	.51	.65	.50	.55	.55	.60	.60	.60
ASSISTING HOURS	65876	88408	75950	91140	113719	123651	127178	14957	28252	34799	39659	52319	61023	63297	50919	60156	41151	51481	61400	62628	63881
RATIO	2.44	2.94	3.13	3.13	3.50	3.63	3.62	4.20	6.02	6.10	5.49	5.37	5.58	5.50	2.17	2.37	2.22	2.35	2.70	2.70	2.70
TOTAL HOURS	110322	134349	112814	135377	165087	177355	182242	20730	35993	42848	49942	67312	77762	80657	89592	98356	69966	85435	97774	99593	101585
SALES	4886903	6306763	5919363	7139363	8851474	9762890	10292205	1177569	2398751	2486659	2956296	4064256	4789097	5066738	3709334	3908012	3432704	4183067	4787218	4973794	5225467
COST SHEET COST	4070754	5013079	4617868	5462068	6845705	7540219	7891347	941578	1887171	1968472	2340243	3201548	3754035	3952201	3129176	3125908	2649396	3121825	3644157	3786184	3939146
COST SHEET MARGIN	816149	1293684	1301495	1677295	2005769	2222671	2400859	235991	511580	518187	616053	862709	1035061	1114537	580158	782104	783308	1061242	1143060	1187610	1286322
PERCENT OF SALES	16.70	20.51	21.99	23.49	22.66	22.77	23.33	20.04	21.33	20.84	20.84	21.23	21.61	22.00	15.64	20.01	22.82	25.37	23.88	23.88	24.62
FACTORY EXPENSES																					
WAGES	1577077	2019379	1766174	2182732	2741990	3034465	3211666	291064	511173	678830	807036	1120374	1333130	1424244	1286013	1508206	1087344	1375696	1621617	1701335	1787422
PER TOTAL HOUR	14.30	15.03	15.66	16.12	16.61	17.11	17.62	14.04	14.20	15.84	16.16	16.64	17.14	17.66	14.35	15.33	15.34	16.10	16.59	17.08	17.60
OTHER VARIABLE	282602	360419	286278	348591	429208	466524	488430	48990	99353	90380	107449	147719	174064	184155	233612	261066	195898	241142	281489	292459	304275
PER TOTAL HOUR	2.56	2.58	2.54	2.57	2.60	2.63	2.68	2.36	2.76	2.11	2.15	2.19	2.24	2.28	2.61	2.65	2.80	2.82	2.88	2.94	3.00
FIXED																					
DEPRECIATION	303527	387175	430911	517802	742068	752088	762088	104347	150639	203700	244440	458726	458726	458726	199180	236536	227211	273362	283362	293362	303362
OTHER FIXED	939146	1191617	1159055	1390866	1626338	1821181	1949282	186360	325905	438590	536834	644201	740831	814514	752786	865714	720465	854032	982137	1080350	1134368
TOTAL	3102352	3958592	3642418	4439991	5539624	6074258	6411467	630761	1087070	1411500	1695759	2371020	2706751	2882040	2471591	2871522	2230918	2744232	3168604	3367507	3529427
FACTORY APPLIED	3094222	3861709	3601418	4321702	5419877	5977522	6393435	749173	1297223	1520741	1807952	2485536	2928820	3159371	2345049	2564486	2080677	2513750	2934341	3048703	3234064
FACTORY OVER (UNDER)	-8130	-96883	-41000	-118290	-119747	-96736	-18032	118412	210153	109241	112193	114517	222068	277331	-126542	-307036	-150241	-230482	-234263	-318804	-295365
GROSS PROFIT MARGIN	808019	1195801	1260495	1559005	1886022	2125936	2382827	354403	721733	627428	728246	977225	1257130	1391868	453616	475068	533067	830759	908797	968806	990959
PERCENT OF SALES	16.53	18.98	21.29	21.84	21.31	21.78	23.15	30.10	30.09	25.23	24.63	24.04	26.25	27.47	12.23	12.16	18.44	19.86	18.98	17.47	18.95
ADMINISTRATIVE	391844	475071	481539	545955	655146	753418	866431	97961	166275	192616	218382	327573	452051	519858	293883	308796	288923	327573	327573	301367	346572
SELLING	169909	256553	227297	286104	348692	375503	394673	42477	89794	90919	114442	174346	225302	197336	127432	166759	136378	171662	174346	150201	197336
	561753	731624	708836	832059	1003838	1128921	1261103	140438	256068	293534	332824	501919	677353	717195	421315	475556	425302	499235	501919	451568	545909
OPERATING PROFIT	246266	465177	551659	726946	862185	997014	1121723	213965	465665	345894	395422	475306	579777	674673	32301	-488	207765	331524	406878	417238	447050
PERCENT OF SALES	5.04	7.38	9.32	10.18	9.77	10.21	10.90	18.17	19.41	15.83	15.58	11.69	12.11	13.32	.87	-.01	6.05	7.93	8.50	8.59	8.56
DEPRECIATION	303527	387175	430911	517802	742088	752088	762088	104347	150639	203700	244440	458726	458726	458726	199180	236536	227211	273362	283362	293362	303362
CASH FLOW	549793	852352	982570	1244748	1624272	1749102	1883811	318312	616304	547594	639862	934032	1038503	1133399	231481	236048	434976	604886	690240	710600	750412
PERCENT OF SALES	11.25	13.51	16.60	17.44	18.35	17.92	18.30	27.03	25.69	22.02	21.64	22.98	21.68	22.37	6.24	6.04	12.67	14.46	14.42	14.29	14.56
PRINCIPAL	174599	437643	427700	484906	703011	599592	616229	60024	170275	202182	111948	200589	303038	323047	114575	267368	225518	372958	372958	372958	372958
INTEREST	229247	232911	232935	280935	341007	365423	305550	78811	90619	110113	139421	225092	296956	276946	150436	142292	122822	141514	141514	141514	141514
	403846	670554	660635	765841	1044018	965015	921779	138835	260894	312295	251369	425681	599994	599993	265011	409660	348340	514472	514472	514472	514472
EXCESS CASH FLOW	145947	181798	321935	478907	580254	784087	962032	179477	355410	235299	388494	508351	438509	533407	-33530	-173612	86636	90414	175768	196127	235940
PERCENT OF SALES	2.99	2.88	5.44	6.71	6.56	8.03	9.35	15.24	14.82	9.46	13.14	12.51	9.16	10.53	-.90	-4.44	2.52	2.16	3.67	3.94	4.52
TOTAL ADDL PRINCIPAL					88641	191090	211099	ADDL PRINCIPAL				88641	191090	211099	ADDL PRINCIPAL			0	0	0	0
TOTAL ADDL INTEREST					85671	157535	137525	ADDL INTEREST				85671	157535	137525	ADDL INTEREST			0	0	0	0
TOTAL ADDL GROSS PROFIT					322017	566930	823824	ADDL GROSS PROFIT				248977	528884	663622	ADDL GROSS PROFIT			78038	38047	160200	
TOTAL ADDL WAGES					519258	351703	1028934	ADDL WAGES				313338	526095	617208	ADDL WAGES			245920	325638	411725	

	1986	1987	1988	1989	1990	1991 10 MOS ACT	1991 12 MOS EST
EMPLOYEES							
ALL TIME	50	49	53	66	92	95	95
WRTIME (FULLTIME EQUIVALENTS)	0	12	13	13	13	7	7
TOTAL	50	61	66	79	105	102	102
PROFIT & LOSS							
NET SALES	2701051	3242815	3980953	4886903	6306764	5919363	7139363
OPERATING PROFIT	137079	262690	255465	248364	582786	551660	726946
NET PROFIT	61655	154281	157966	31213	359217	349373	476659
OPERATING CASH FLOW							
OPERATING PROFIT	137079	262690	255465	248364	582786	551660	726946
DEPRECIATION	83368	128812	151602	307435	387175	434282	517802
TOTAL CASHFLOW	220447	391502	407067	555799	969961	985942	1244748
BALANCE SHEET							
ASSETS							
CURRENT	469477	595706	832182	1265792	1537994	2152275	2063803
LONGTERM	768529	800814	1226456	1930074	2990714	2365042	2319909
TOTAL ASSETS	1238006	1396520	2058638	3195866	4528708	4517317	4383712
LIABILITIES							
CURRENT	501514	478551	687034	1161530	1394821	1641422	752122
LONGTERM	634563	629032	964515	1596034	2382368	1775004	2203413
	1136077	1107583	1651549	2757564	3777189	3416426	2955535
SHAREHOLDERS EQUITY							
PAID IN CAPITAL	91000	91000	117913	117913	117913	117913	317913
RETAINED EARNINGS	10929	131210	289176	320389	633606	982978	1110264
	101929	222210	407089	438302	751519	1100891	1428177
TOTAL LIABILITIES & EQUITY	1238006	1329793	2058638	3195866	4528708	4517317	4383712

EXHIBIT C

All information provided in connection with this application for Oregon Economic Development Revenue Bond financing is, to the best of my knowledge, true, accurate, complete, and current. I further certify that, except as described in this application:

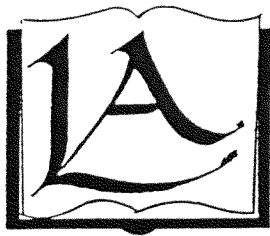
- (1) No litigation is current, pending or threatened in any court or other tribunal or competent jurisdiction, state or federal, in any way contesting, questioning or affecting the eligibility of the applicant to apply for this financing, the ability of the applicant to complete the project, or the validity or enforceability of any covenant or document executed by the applicant in connection with the application or any of the procedures for the authorization of sale, execution, registration or delivery of the bonds, nor are there any unasserted claims outstanding.
- (2) The applicant has never filed for reorganization or sought relief or been involuntarily declared bankrupt under any provision of the United States Bankruptcy Code.
- (3) No officer, director, partner, or owner of a 5 percent interest (legal or beneficial) of the applicant has ever filed for reorganization or sought relief or been involuntarily declared bankrupt under any provision of the United States Bankruptcy Code.
- (4) Neither the applicant nor any officer, director, partner or owner of a 5 percent interest (legal or beneficial) thereof has ever been indicted or convicted of a felony or of a misdemeanor involving moral turpitude.

I agree that material misrepresentation of fact is grounds for the Finance Committee to deny or withdraw project eligibility at any time.

Attest:

Charles M. Hopkins
Authorized Company Representative

March 1, 1991
Dated



LINCOLN
& ALLEN
B I N D E R Y

EXHIBIT D

3033 N.W. YEON AVE.,
P.O. BOX 10745
PORTLAND, OREGON 97210

(503) 223-2035
OUTSIDE OF OREGON
1-800-824-1632

March 1, 1991

Mr. John Gustafson
Portland Development Commission
1120 S. W. 5th #1102
Portland, Oregon 97214

Dear John,

We are forwarding our Application for Industrial Revenue Bonds to you for your assistance in getting the necessary approval from Multnomah County and the City of Portland. Enclosed is the application fee of \$200.

Thank you in advance for your help.

Sincerely,

Howard R. Klug
Vice President

(UNDER SEPARATE COVER)

MICHAEL HOPKINS

President - Lincoln & Allen Company

President - Graphic Arts Center Publishing Company

Purchased and has operated both Lincoln & Allen and Graphic Arts Center Publishing since August, 1985.

From 1977 to 1985, served as Vice President of Finance and Secretary of Graphic Arts Center, Inc., the West Coast's largest commercial printer. Also served as a Director and Member of the Executive Committee from 1978. Responsibilities included the areas of Finance, Accounting, Data Processing, Purchasing and Personnel. Major personal emphasis in planning and analysis, operating management reporting systems, incentive compensation and negotiation of major financing and the sales and purchases of business units.

Previous experience includes five years with both 3M Company and Evans Products Company in various management roles. Emphasis in both companies was on problem solving and consulting in areas of Finance, Accounting, Data Processing, Sales, Marketing, Purchasing, Inventory Management, Production Control and Liquidations.

Graduated in 1966 with honors (Dean's list) from the University of Denver with a B.S. Degree in Business Administration, majoring in Accounting.

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

In the Matter of Issuance of)
an Industrial Development)
Revenue Bond State of Oregon)
to Lincoln & Allen Bindery) RB 1-91

RESOLUTION

91-54

WHEREAS, The Multnomah County Board of Commissioners finds that the aquisition of additional equipment by Lincoln & Allen Bindery would foster the economic growth and legislative policy as set forth in ORS 280.310; and

WHEREAS, The City of Portland has found that the project is in compliance with the City of Portland Comprehensive Plan acknowledged by the Land Conservation and Development Commission pursuant to ORS Chapter 197; and

WHEREAS, The Board finds that the project complies with the provisions of Chapter 11.08 of the Multnomah County Code; and

WHEREAS, ORS 280.330 requires, before the issuance of revenue bonds by the State of Oregon, that the governing body of the County endorse the project; and

WHEREAS, The Board finds that the completion of this facility within the City of Portland would be in the best interests of the citizens of Multnomah County.

THEREFORE, IT IS HEREBY RESOLVED:

1. That Multnomah County requests the Economic Development Commission and the State of Oregon to assist in the financing of the Lincoln & Allen Bindery project within Multnomah County through the issuance of revenue bonds secured by the improvements as provided by ORS 280.310 to ORS 280.397.
2. That the Chairperson of the Multnomah County Board of Commissioners be authorized to sign and act for the Board in any future action necessary by Multnomah County to promote the project.

(SEAL)

April 23, 1991

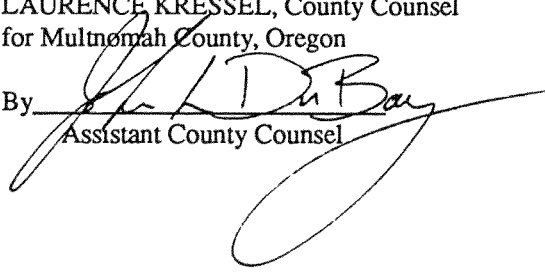
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By


Assistant County Counsel

1

DATE APRIL 23/1991

NAME

NANCY ROSENKUND

ADDRESS

5830 N.W. CORNELL ROAD

STREET

PORTLAND OREGON

CITY

97210

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C-2-91

#5

SUBJECT

TUALATIN RIVER DRAINAGE BASIN

FOR

AGAINST

PLEASE PRINT LEGIBLY!

2

DATE 4-23-91

NAME Molly O'Reilly

ADDRESS 1414 NW 53RD Dr

STREET Portland OR

CITY 97215

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # PI-5

SUBJECT Erosion Control Ordinance

_____ FOR _____ AGAINST

PLEASE PRINT LEGIBLY!

3

DATE

4/23/91

NAME

JOHN SHERMAN

ADDRESS

1912 NW ASPEN

STREET

PORTLAND

OR

97210

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C2-91^{#5}

SUBJECT

Initiation Protection Plan

FOR

AGAINST

PLEASE PRINT LEGIBLY!

#

4

DATE

4/23/91

NAME

MARY ELLEN ~~HARTWICK~~ (MARMADUKE)

ADDRESS

2760 NW QUIMBY ST

STREET

PORTLAND, OR

CITY

97210

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C 291 #5

SUBJECT

ORDINANCE

FOR

AGAINST

PLEASE PRINT LEGIBLY!

5

DATE 4/23/91

NAME CHRIS WRENCH

ADDRESS 3103 NW Wilson ST.

STREET PTH. OR.

CITY ZIP CODE 97210

I WISH TO SPEAK ON AGENDA ITEM # G-2-91^{#5}

SUBJECT Balch Creek-Tualatin Protection
plan

FOR AGAINST

PLEASE PRINT LEGIBLY!

#

80

DATE

4/23/91

NAME

Barbara Stross

ADDRESS

1716 SE 24th

STREET

Portland97214

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

SUBJECT

Tualatin Basin - Resolution

to include ✓
Baleh
creek Basin

X

FOR

C-2-91

AGAINST

PLEASE PRINT LEGIBLY!

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of)
Ordinances Amending MCC Chapter 11.15)
Concerning Erosion Control and Storm and)
Surface Water Facilities and Regulations)

**RESOLUTION
C 2-91**

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

WHEREAS, The implementing code provisions in MCC Chapter 11.15 do not sufficiently comply with 1989 amendments to Oregon Administrative Rules (OAR) 340-41-470(3)(g) requiring a program plan for controlling the quality of urban storm runoff within the Tualatin River Drainage Basin; and

WHEREAS, The State of Oregon Department of Environmental Quality (DEQ) has indicated that the OAR section cited above can be addressed through amendments to the *Hillside Development and Erosion Control* subsection of MCC 11.15; and

WHEREAS, To avoid potential enforcement proceedings by DEQ against the County, it is necessary to amend MCC Chapter 11.15 regarding erosion control and storm water runoff provisions applicable within the Tualatin Basin; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on April 1, 1991 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinances captioned "...An Ordinance amending the Multnomah County Code Chapter 11.15 by amending regulations applicable to grading and filling activities, and clarifying standards applicable to land disturbing activities within the Tualatin River Drainage Basin, and declaring an emergency...", is hereby recommended for adoption by the Board of County Commissioners.

Approved this 1st day of April, 1991



Richard T. Leonard, Chair
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

An Ordinance amending the Multnomah County Code Chapter 11.15 by amending regulations applicable to grading and filling activities, and clarifying standards applicable to land disturbing activities within the Tualatin River Drainage Basin, and declaring an emergency.

(Language in brackets [] is to be deleted; underlined sections are new text.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On August 3, 1989, the State of Oregon Environmental Quality Commission (EQC) promulgated rules for the Tualatin River Basin that requires Multnomah County and all other counties and cities within the Tualatin River Drainage Basin to submit plans for control of urban storm runoff. Oregon Administrative Rules (OAR) 340-41-470(3)(g) states: "Within 18 months after adoption of these rules, Washington, Clackamas, Multnomah Counties and all incorporated cities within the Tualatin River and Oswego Lake subbasins shall submit to the Department a program plan for controlling the quality of urban storm runoff within their respective jurisdictions to comply with the requirements of sections (a) and (b) of this rule."

(B). Multnomah County Ordinance Number 643 amended MCC 11.15 (adopted February 20, 1990). These County Zoning Ordinance amendments were in part adopted to address 1989 OAR provisions regarding erosion control within the Tualatin Basin. Ordinance 643 added a "*Hillside Development and Erosion Control*" subsection to the Multnomah County Zoning Ordinance (MCC 11.15.6700 -.6735). The subsection requires a "*Grading and Erosion Control Permit*" for most land disturbing activities within the Tualatin Basin.

1 (C). The State of Oregon Department of Environmental Quality (DEQ) has indicated
2 that implementing code provisions in MCC 11.15 do not sufficiently address all of the 1989
3 OAR 340 provisions. The County Zoning Code does not address storm water runoff and
4 protection of streams and drainageways within the Tualatin River Drainage Basin. DEQ
5 indicates that applicable OAR's can be addressed through text amendments to the *Hillside*
6 *Development and Erosion Control* subsection of MCC 11.15.

7 (D). To avoid potential enforcement proceedings by DEQ, it is necessary to amend
8 MCC Chapter 11.15 regarding erosion control and storm water runoff provisions applicable
9 within the Tualatin River Drainage Basin.

10 (E). An emergency is declared because Multnomah County has not met the OAR
11 340 schedule of compliance.

12 (F). The State Department of Forestry requests text and format revisions to the
13 "Exemptions" subsection relating to Forest Practices (MCC 11.15.6715).

14
15 Section II. Amendments.

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

17
18 **11.15.6700 Purposes**

19 The purposes of the Hillside Development and Erosion Control subdistrict are to promote
20 the public health, safety and general welfare, and minimize public and private losses due to
21 earth movement hazards in specified areas and minimize erosion and related environmental
22 damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC
23 Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the
24 Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is
25 intended to:

26 (A) Protect human life;

- 1 (B) Protect property and structures;
- 2 (C) Minimize expenditures for rescue and relief efforts associated with earth
- 3 movement failures;
- 4 (D) Control erosion, production and transport of sediment; and
- 5 (E) Regulate land development actions including excavation and fills, drainage controls and
- 6 protect exposed soil surfaces from erosive forces.
- 7 (F) Control stormwater discharges and protect streams, ponds, and wetlands within the
- 8 Tualatin River Drainage Basin AND BALCH CREEK DRAINAGE BASIN
- 9

10 11.15.6710 Permits Required

- 11 (A) All persons proposing development, construction, or site clearing (including tree
- 12 removal) on property located in hazard areas as identified on the "Slope Hazard Map",
- 13 or on lands with average slopes of 25 percent or more shall obtain a Hillside
- 14 Development Permit as prescribed by this subdistrict, unless specifically exempted by
- 15 MCC .6715.
- 16 (B) All persons proposing site grading where the volume of soil or earth material disturbed,
- 17 stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a
- 18 drainage course [or on any sites within the Tualatin River Drainage Basin], shall obtain
- 19 a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted
- 20 by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a
- 21 Hillside Development Permit do not require a separate Grading and Erosion Control
- 22 Permit.
- 23 (C) All persons proposing land-disturbing activities within the Tualatin River Drainage
- 24 AND BALCH CREEK DRAINAGE BASIN
- 25 Basin shall first obtain a Grading and Erosion Control Permit, except as provided by
- 26 MCC 11.15.6715(C) below.

1 **11.15.6715 Exempt Land Uses and Activities**

2 The following are exempt from the provisions of this Chapter:

3 (A) Development activities approved prior to February 20, 1990; except that within such a
4 development, issuance of individual building permits for which application was made after
5 February 20, 1990 shall conform to site-specific requirements applicable herein.

6 (B) General Exemptions – [All land-disturbing or land-filling activities or soil storage] Outside the
7 Tualatin River Drainage Basin, ^{AND BALCH CREEK DRAINAGE BASIN} all land-disturbing activities outlined below shall be undertaken in a
8 manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation
9 and to safeguard life, limb, property, and the public welfare. A person performing such activities
10 need not apply for a permit pursuant to this subdistrict, if :

- 11 (1) Natural and finished slopes will be less than 25 %; and.
- 12 (2) The disturbed or filled area is 20,000 square feet or less; and.
- 13 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and.
- 14 (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than
15 10,000 square feet; and.
- 16 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and.
- 17 (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics
18 modified; and.
- 19 (7) The activity will not take place within 100 feet by horizontal measurement from the top of the
20 bank of a watercourse, the mean high watermark (line of vegetation) of a body of water ,or
21 within the wetlands associated with a watercourse or water body, whichever distance is
22 greater[; and].

23 [(8) Any tree clearing work will be subject to the State Forest Practices Act.]

24

25 (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through ([8]Z), the
26 following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Refuse disposal sites controlled by other regulations.
- (4) Excavations for wells.
- (5) Mineral extraction activities as regulated by MCC .7305 through .7335.
- (6) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (7) Routine agricultural crop management practices.
- (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.
- (9) Forest practices as defined by ORS 527 (State Forest Practices Act) and approved by the Oregon Department of Forestry.

11.15.6720 Application Information Required

An application for development subject to the requirements of this subdistrict shall include the following:

- (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.
- (C) The location of planned and existing sanitary drainfields and drywells.
- (D) [Additional n] Narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A). The application shall provide applicable supplemental reports, certifications, or plans

relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

11.15.6730 Grading and Erosion Control Permit Standards

Approval of development plans on sites subject to a Grading and Erosion Control Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;

(2) Erosion Control Standards

(a) On sites within the Tualatin River Drainage Basin, ^{AND BALCH CREEK DRAINAGE BASIN} erosion and stormwater control plans shall satisfy the requirements of OAR 340[-41-455]. [An *Erosion Control Plans Technical Guidance Handbook* (November, 1989) is available to assist applicants in meeting State erosion control standards in the Tualatin Basin.] Land-disturbing activities

AND BALCH CREEK BASIN

1 within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the
2 bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or
3 within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is
4 approved for alterations within the buffer area.

5 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which
6 will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the
7 smallest practical area at any one time during construction;

8 (c) Development Plans shall minimize cut or fill operations and ensure conformity with
9 topography so as to create the least erosion potential and adequately accommodate the
10 volume and velocity of surface runoff;

11 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas
12 during development;

13 (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

14 (f) Permanent plantings and any required structural erosion control and drainage measures
15 shall be installed as soon as practical;

16 (g) Provisions shall be made to effectively accommodate increased runoff caused by altered
17 soil and surface conditions during and after development. The rate of surface water runoff
18 shall be structurally retarded where necessary;

19 (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other
20 measures until the disturbed area is stabilized;

21 (i) Provisions shall be made to prevent surface water from damaging the cut face of
22 excavations or the sloping surface of fills by installation of temporary or permanent
23 drainage across or above such areas, or by other suitable stabilization measures such as
24 mulching or seeding;

25 (j) All drainage provisions shall be designed to adequately carry existing and potential surface
26 runoff to suitable drainageways such as storm drains, natural watercourses, drainage

swales, or an approved drywell system;

(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

(i) Energy absorbing devices to reduce runoff water velocity;

(ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(iii) Dispersal of water runoff from developed areas over large undisturbed areas.

(m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(B) Responsibility

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or

right-of-way during such activity, and to return it to its original or equal condition.

(C) Implementation

(1) Performance Bond – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

11.15.6735 Hillside Development and Erosion Control Related Definitions:

(A) *Certified Engineering Geologist* – Any person who has obtained certification by the State of Oregon as an engineering geologist.

(B) *Cut*:

(1) An excavation;

(2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(3) The material removed in excavation work.

(C) *Development Area* – The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

- 1 (D) *Drainage Area* – The subject property together with the watershed (acreage) contributing water
2 runoff to and receiving water runoff from the subject property.
- 3 (E) *Drainageway* – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other
4 open water-course.
- 5 (F) *Earth Movement* – Any type of land surface failure resulting in the downslope movement of
6 material . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures,
7 and massive landslides.
- 8 (G) *Erosion* – The wearing away or removal of earth surface materials by the action of natural elements
9 or forces including, but not limited to, wind, water or gravity.
- 10 (H) *Excavation* – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut,
11 quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting
12 therefrom.
- 13 (I) *Fill*:
- 14 (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped,
15 stacked, pulled, transported, or in any way moved to a new location above the existing natural
16 surface of the ground or on the top of a stripped surface, including the condition resulting
17 therefrom.
- 18 (2) The difference in elevation between a point on the original ground surface and the point of
19 higher elevation on a finished grade.
- 20 (3) The material used to make a fill.
- 21 (J) *Geotechnical Engineer* - A Civil Engineer, licensed to practice in the State of Oregon, who by
22 training, education and experience is competent in the practice of geotechnical or soils engineering
23 practices.
- 24 (K) *Geotechnical Report* – Any information required in addition to Form 1 which clarifies the
25 geotechnical conditions of a proposed development site. Examples of this would be reports on test
26 hole borings, laboratory tests or analysis of materials, or hydrologic studies.

(L) *Grading* – Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

(M) *HDP Form-1* – The form required for specified developments subject to the Hillside Development and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

(N) [*Landscaping Activities* – The artistic adornment or improvement of a section of ground or site by contouring the land and by planting flowers, shrubs, trees, lawns or groundcover plants.] *Land-disturbing Activities* – Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, tree clearing, and soil storage.

(O) *Mulch* – Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

(P) *Ordinary High Water Mark* – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

([P] Q) *Slope:*

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

([Q] R) *Slope Hazard Map* – A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the Director, Department of Environmental Services;

1 ([R] S) *Spoil Material* – Any rock, sand, gravel, soil or other earth material removed by excavation or
2 other grading activities.

3 (T) *Stream* – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined
4 channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or
5 loosely rooted vegetation by the action of moving water. The channel or bed need not contain
6 water year-round. This definition is not meant to include irrigation ditches, canals, stormwater
7 runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2
8 streams naturally occurring prior to construction. Those topographic features resembling streams
9 but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and
10 hydraulic analyses performed pursuant to a development proposal predict formation of a defined
11 channel after development.

12 (U) *Stream Protection* – Activities or conditions which avoid or lessen adverse water quality and
13 turbidity effects to a stream.

14 ([S] V) *Topographic Information* – Surveyed elevation information which details slopes, contour
15 intervals and drainageways. Topographic information shall be prepared by a registered land
16 surveyor or a registered professional engineer qualified to provide such information and represented
17 on maps with a contour interval not to exceed 10 feet.

18 ([T] W) *Vegetation* – All plant growth, especially trees, shrubs, grasses and mosses.

19 ([U] X) *Vegetative Protection* – Stabilization of erosive or sediment-producing areas by covering the
20 soil with:

- 21 (1) Permanent seeding, producing long-term vegetative cover;
- 22 (2) Short-term seeding, producing temporary vegetative cover;
- 23 (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- 24 (4) Netting with seeding if the final grade has not stabilized.

25 (Y) *Water Body* – Areas permanently or temporarily flooded which may exceed the deepwater boundary
26 of wetlands. Water depth is such that water, and not the air, is the principal medium in which

1 prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

2 (Z) Watercourse – Natural and artificial features which transport surface water. Watercourse includes a
3 river, stream, creek, slough, ditch, canal, or drainageway.

4
5
6
7 Section III. Adoption.

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

11 ADOPTED THIS _____ day of _____, 199_, being the date of its _____
12 reading before the Board of County Commissioners of Multnomah County.

13
14 (SEAL)

15
16 By _____
17 Gladys McCoy, County Chair
18 MULTNOMAH COUNTY, OREGON

19 REVIEWED:

20
21 _____
22 John DuBay, Deputy County Counsel
23 of Multnomah County, Oregon
24
25
26

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 677

An Ordinance amending the Multnomah County Code Chapter 11.15 by amending regulations applicable to grading and filling activities, and clarifying standards applicable to land disturbing activities within the Tualatin River Drainage Basin, and declaring an emergency.

(Language in brackets [] is to be deleted; underlined sections are new text.)

Multnomah County Ordains as follows:

Section I. Findings.

(A). On August 3, 1989, the State of Oregon Environmental Quality Commission (EQC) promulgated rules for the Tualatin River Basin that requires Multnomah County and all other counties and cities within the Tualatin River Drainage Basin to submit plans for control of urban storm runoff. Oregon Administrative Rules (OAR) 340-41-470(3)(g) states: "Within 18 months after adoption of these rules, Washington, Clackamas, Multnomah Counties and all incorporated cities within the Tualatin River and Oswego Lake subbasins shall submit to the Department a program plan for controlling the quality of urban storm runoff within their respective jurisdictions to comply with the requirements of sections (a) and (b) of this rule."

(B). Multnomah County Ordinance Number 643 amended MCC 11.15 (adopted February 20, 1990). These County Zoning Ordinance amendments were in part adopted to address 1989 OAR provisions regarding erosion control within the Tualatin Basin. Ordinance 643 added a "*Hillside Development and Erosion Control*" subsection to the Multnomah County Zoning Ordinance (MCC 11.15.6700 -.6735). The subsection requires a "*Grading and Erosion Control Permit*" for most land disturbing activities within the Tualatin Basin.

1 (C). The State of Oregon Department of Environmental Quality (DEQ) has indicated
2 that implementing code provisions in MCC 11.15 do not sufficiently address all of the 1989
3 OAR 340 provisions. The County Zoning Code does not address storm water runoff and
4 protection of streams and drainageways within the Tualatin River Drainage Basin. DEQ
5 indicates that applicable OAR's can be addressed through text amendments to the *Hillside*
6 *Development and Erosion Control* subsection of MCC 11.15.

7 (D). To avoid potential enforcement proceedings by DEQ, it is necessary to amend
8 MCC Chapter 11.15 regarding erosion control and storm water runoff provisions applicable
9 within the Tualatin River Drainage Basin.

10 (E). An emergency is declared because Multnomah County has not met the OAR
11 340 schedule of compliance.

12 (F). The State Department of Forestry requests text and format revisions to the
13 "Exemptions" subsection relating to Forest Practices (MCC 11.15.6715).

14
15 Section II. Amendments.

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

17
18 **11.15.6700 Purposes**

19 The purposes of the Hillside Development and Erosion Control subdistrict are to promote
20 the public health, safety and general welfare, and minimize public and private losses due to
21 earth movement hazards in specified areas and minimize erosion and related environmental
22 damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC
23 Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the
24 Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is
25 intended to:

26 (A) Protect human life;

1 (B) Protect property and structures;

2 (C) Minimize expenditures for rescue and relief efforts associated with earth
3 movement failures;

4 (D) Control erosion, production and transport of sediment; and

5 (E) Regulate land development actions including excavation and fills, drainage controls and
6 protect exposed soil surfaces from erosive forces.

7 (F) Control stormwater discharges and protect streams, ponds, and wetlands within the
8 Tualatin River Drainage Basin.

9
10 **11.15.6710 Permits Required**

11 (A) All persons proposing development, construction, or site clearing (including tree
12 removal) on property located in hazard areas as identified on the "Slope Hazard Map",
13 or on lands with average slopes of 25 percent or more shall obtain a Hillside
14 Development Permit as prescribed by this subdistrict, unless specifically exempted by
15 MCC .6715.

16 (B) All persons proposing site grading where the volume of soil or earth material disturbed,
17 stored, disposed of or used as fill exceeds 50 cubic yards, or which obstruct or alter a
18 drainage course [or on any sites within the Tualatin River Drainage Basin], shall obtain
19 a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted
20 by MCC .6715(B)(2) through (8) or .6715(C). Development projects subject to a
21 Hillside Development Permit do not require a separate Grading and Erosion Control
22 Permit.

23 (C) All persons proposing land-disturbing activities within the Tualatin River Drainage
24 Basin shall first obtain a Grading and Erosion Control Permit, except as provided by
25 MCC 11.15.6715(C) below.
26

1 **11.15.6715 Exempt Land Uses and Activities**

2 The following are exempt from the provisions of this Chapter:

3 (A) Development activities approved prior to February 20, 1990; except that within such a
4 development, issuance of individual building permits for which application was made after
5 February 20, 1990 shall conform to site-specific requirements applicable herein.

6 (B) General Exemptions – [All land-disturbing or land-filling activities or soil storage] Outside the
7 Tualatin River Drainage Basin, all land-disturbing activities outlined below shall be undertaken in a
8 manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation
9 and to safeguard life, limb, property, and the public welfare. A person performing such activities
10 need not apply for a permit pursuant to this subdistrict, if :

11 (1) Natural and finished slopes will be less than 25 %; and,

12 (2) The disturbed or filled area is 20,000 square feet or less; and,

13 (3) The volume of soil or earth materials to be stored is 50 cubic yards or less; and,

14 (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than
15 10,000 square feet; and,

16 (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,

17 (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics
18 modified; and,

19 (7) The activity will not take place within 100 feet by horizontal measurement from the top of the
20 bank of a watercourse, the mean high watermark (line of vegetation) of a body of water ,or
21 within the wetlands associated with a watercourse or water body, whichever distance is
22 greater[; and].

23 [(8) Any tree clearing work will be subject to the State Forest Practices Act.]

24
25 (C) Categorical Exemptions – Notwithstanding MCC .6715(A) and (B)(1) through ([8]Z), the
26 following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Refuse disposal sites controlled by other regulations.
- (4) Excavations for wells.
- (5) Mineral extraction activities as regulated by MCC .7305 through .7335.
- (6) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (7) Routine agricultural crop management practices.
- (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.
- (9) Forest practices as defined by ORS 527 (State Forest Practices Act) and approved by the Oregon Department of Forestry.

11.15.6720 Application Information Required

An application for development subject to the requirements of this subdistrict shall include the following:

- (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.
- (C) The location of planned and existing sanitary drainfields and drywells.
- (D) [Additional n] Narrative, map or plan information necessary to demonstrate compliance with MCC .6730(A). The application shall provide applicable supplemental reports, certifications, or plans

relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

11.15.6730 Grading and Erosion Control Permit Standards

Approval of development plans on sites subject to a Grading and Erosion Control Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;

(2) Erosion Control Standards

(a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340[-41-455]. [An *Erosion Control Plans Technical Guidance Handbook* (November, 1989) is available to assist applicants in meeting State erosion control standards in the Tualatin Basin.] Land-disturbing activities

1 within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the
2 bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or
3 within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is
4 approved for alterations within the buffer area.

- 5 (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which
6 will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the
7 smallest practical area at any one time during construction;
- 8 (c) Development Plans shall minimize cut or fill operations and ensure conformity with
9 topography so as to create the least erosion potential and adequately accommodate the
10 volume and velocity of surface runoff;
- 11 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas
12 during development;
- 13 (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- 14 (f) Permanent plantings and any required structural erosion control and drainage measures
15 shall be installed as soon as practical;
- 16 (g) Provisions shall be made to effectively accommodate increased runoff caused by altered
17 soil and surface conditions during and after development. The rate of surface water runoff
18 shall be structurally retarded where necessary;
- 19 (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other
20 measures until the disturbed area is stabilized;
- 21 (i) Provisions shall be made to prevent surface water from damaging the cut face of
22 excavations or the sloping surface of fills by installation of temporary or permanent
23 drainage across or above such areas, or by other suitable stabilization measures such as
24 mulching or seeding;
- 25 (j) All drainage provisions shall be designed to adequately carry existing and potential surface
26 runoff to suitable drainageways such as storm drains, natural watercourses, drainage

1 swales, or an approved drywell system;

2 (k) Where drainage swales are used to divert surface waters, they shall be vegetated or
3 protected as required to minimize potential erosion;

4 (l) Erosion and sediment control devices shall be required where necessary to prevent
5 polluting discharges from occurring. Control devices and measures which may be
6 required include, but are not limited to:

7 (i) Energy absorbing devices to reduce runoff water velocity;

8 (ii) Sedimentation controls such as sediment or debris basins. Any trapped materials shall
9 be removed to an approved disposal site on an approved schedule;

10 (iii) Dispersal of water runoff from developed areas over large undisturbed areas.

11 (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams
12 or drainageways by applying mulch or other protective covering; or by location at a
13 sufficient distance from streams or drainageways; or by other sediment reduction
14 measures;

15 (n) Such non-erosion pollution associated with construction such as pesticides, fertilizers,
16 petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented
17 from leaving the construction site through proper handling, disposal, continuous site
18 monitoring and clean-up activities.

19 (B) Responsibility

20 (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it
21 shall be the responsibility of the person, corporation or other entity causing such sedimentation
22 to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy
23 or final approvals for the project;

24 (2) It is the responsibility of any person, corporation or other entity doing any act on or across a
25 communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to
26 maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or

1 right-of-way during such activity, and to return it to its original or equal condition.

2 (C) Implementation

3 (1) Performance Bond – A performance bond may be required to assure the full cost of any
4 required erosion and sediment control measures. The bond may be used to provide for the
5 installation of the measures if not completed by the contractor. The bond shall be released
6 upon determination the the control measures have or can be expected to perform satisfactorily.
7 The bond may be waived if the Director determines the scale and duration of the project and
8 the potential problems arising therefrom will be minor.

9 (2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the
10 Planning Director. If inspection by County staff reveals erosive conditions which exceed those
11 prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work
12 may be stopped until appropriate correction measures are completed.

13 (D) Final Approvals

14 A certificate of Occupancy or other final approval shall be granted for development subject to the
15 provisions of this subdistrict only upon satisfactory completion of all applicable requirements.
16

17 **11.15.6735 Hillside Development and Erosion Control Related Definitions:**

18 (A) *Certified Engineering Geologist* – Any person who has obtained certification by the State of
19 Oregon as an engineering geologist.

20 (B) *Cur*:

21 (1) An excavation;

22 (2) The difference between a point on the original ground surface and the point of lowest elevation
23 on the final grade;

24 (3) The material removed in excavation work.

25 (C) *Development Area* – The total area of alteration of the naturally occurring ground surface resulting
26 from construction activities whether permanent or temporary.

1 (D) *Drainage Area* – The subject property together with the watershed (acreage) contributing water
2 runoff to and receiving water runoff from the subject property.

3 (E) *Drainageway* – Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other
4 open water-course.

5 (F) *Earth Movement* – Any type of land surface failure resulting in the downslope movement of
6 material . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures,
7 and massive landslides.

8 (G) *Erosion* – The wearing away or removal of earth surface materials by the action of natural elements
9 or forces including, but not limited to, wind, water or gravity.

10 (H) *Excavation* – Any act by which earth, sand, gravel, rock or any similar material is dug into, cut,
11 quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting
12 therefrom.

13 (I) *Fill*:

14 (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped,
15 stacked, pulled, transported, or in any way moved to a new location above the existing natural
16 surface of the ground or on the top of a stripped surface, including the condition resulting
17 therefrom.

18 (2) The difference in elevation between a point on the original ground surface and the point of
19 higher elevation on a finished grade.

20 (3) The material used to make a fill.

21 (J) *Geotechnical Engineer* - A Civil Engineer, licensed to practice in the State of Oregon, who by
22 training, education and experience is competent in the practice of geotechnical or soils engineering
23 practices.

24 (K) *Geotechnical Report* – Any information required in addition to Form 1 which clarifies the
25 geotechnical conditions of a proposed development site. Examples of this would be reports on test
26 hole borings, laboratory tests or analysis of materials, or hydrologic studies.

(L) *Grading* – Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

(M) *HDP Form-1* – The form required for specified developments subject to the Hillside Development and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

(N) [*Landscaping Activities* – The artistic adornment or improvement of a section of ground or site by contouring the land and by planting flowers, shrubs, trees, lawns or groundcover plants.] *Land-disturbing Activities* – Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, tree clearing, and soil storage.

(O) *Mulch* – Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

(P) *Ordinary High Water Mark* – Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

([P] Q) *Slope:*

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

([Q] R) *Slope Hazard Map* – A series of maps (Figures 1A. through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the Director, Department of Environmental Services;

1 ([R] S) *Spoil Material* – Any rock, sand, gravel, soil or other earth material removed by excavation or
2 other grading activities.

3 (T) Stream – Areas where surface waters flow sufficient to produce a defined channel or bed. A defined
4 channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or
5 loosely rooted vegetation by the action of moving water. The channel or bed need not contain
6 water year-round. This definition is not meant to include irrigation ditches, canals, stormwater
7 runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2
8 streams naturally occurring prior to construction. Those topographic features resembling streams
9 but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and
10 hydraulic analyses performed pursuant to a development proposal predict formation of a defined
11 channel after development.

12 (U) Stream Protection – Activities or conditions which avoid or lessen adverse water quality and
13 turbidity effects to a stream.

14 ([S] Y) *Topographic Information* – Surveyed elevation information which details slopes, contour
15 intervals and drainageways. Topographic information shall be prepared by a registered land
16 surveyor or a registered professional engineer qualified to provide such information and represented
17 on maps with a contour interval not to exceed 10 feet.

18 ([T] W) *Vegetation* – All plant growth, especially trees, shrubs, grasses and mosses.

19 ([U] X) *Vegetative Protection* – Stabilization of erosive or sediment-producing areas by covering the
20 soil with:

- 21 (1) Permanent seeding, producing long-term vegetative cover;
- 22 (2) Short-term seeding, producing temporary vegetative cover;
- 23 (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- 24 (4) Netting with seeding if the final grade has not stabilized.

25 (Y) Water Body – Areas permanently or temporarily flooded which may exceed the deepwater boundary
26 of wetlands. Water depth is such that water, and not the air, is the principal medium in which

1 prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

2 (Z) Watercourse – Natural and artificial features which transport surface water. Watercourse includes a
3 river, stream, creek, slough, ditch, canal, or drainageway.


4
5
6
7 Section III. Adoption.

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

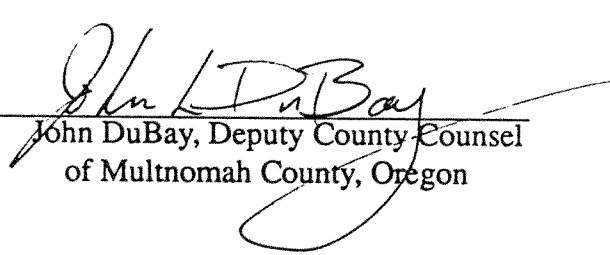
11 ADOPTED THIS 23rd day of April, 1991, being the date of its first
12 reading before the Board of County Commissioners of Multnomah County.

13
14 (SEAL)

15
16 By


Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

17
18
19 REVIEWED:

20
21 
John DuBay, Deputy County Counsel
22 of Multnomah County, Oregon
23
24
25
26

Meeting Date: April 23, 1991

Agenda No.: PI-6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal	<u>(date)</u>	BCC Formal	<u>April 23, 1991</u>
DEPARTMENT	<u>DES</u>	DIVISION	<u>Planning</u>
CONTACT	<u>Gary Clifford</u>	TELEPHONE	<u>6782</u>
PERSON(S) MAKING PRESENTATION	<u>Gary Clifford</u>		

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 Minutes

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

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

C 3-91a First Reading:

An Ordinance Amending MCC 11.15 to Restrict Application
of the Planned-Development Subdistrict to the Urban and
RC, RR and MUA-20 Rural Districts

(If space is inadequate, please use other side)

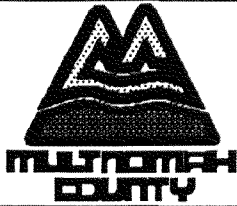
SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)



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

Staff Report

This Staff Report consists of Findings of Fact and Conclusions

April 1, 1991

**C 3-91a Adoption of an Ordinance Amending MCC Chapter 11.15
to Restrict Application of the Planned Development Subdistrict
to the Urban and RC, RR and MUA-20 Rural Districts**

STAFF RECOMMENDATION:

Recommend Approval to the Board of County Commissioners of the Ordinance which amends MCC Chapter 11.15 by restricting the Planned Development Subdistrict to the urban and RC, RR and MUA-20 rural districts.

Findings of Fact:

1. Revisions of the Zoning Code concerning Planned Developments.

- A. The 1990 Multnomah County Ordinance Number 643 included amendments to MCC Chapter 11.15 that eliminated the Rural Planned Development (RPD) Subdistrict and permitted the Planned Development (PD) Subdistrict to be applied in the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture (MUA) rural "exception" zoning districts. Previously, the PD Subdistrict had been applied only to urban zoning districts.**
- B. The 1990 amendments to the Planned Development Subdistrict attempted to exclude the PD provisions from being applied in the rural farm and forest resource protection zoning districts. The "resource" zoning districts are the Exclusive Farm Use (EFU), Commercial Forest Use (CFU) and Multiple Use Forest (MUF).**
- C. The 1990 Planned Development amendment language is underlined as follows:**

11.15.6222 Permitted Uses

In an underlying residential district, the following uses may be permitted in a Planned Development District:

(A) Housing types may include single family detached or attached dwellings, duplexes, row houses, town houses or apartments, except that in the MUA-20, RR and RC districts only duplexes and single family detached or attached dwellings are permitted.

- D. The amendments were a result of the Periodic Review study of "Changes in Circumstances" completed for the State of Oregon Department of Land Conservation and Development (DLCD). Part of that study included an examination of the number of "non-resource dwellings" that had been approved in farm and forest zones. Such dwellings are not in compliance with the resource lands preservation strategies of Statewide Planning Goals 3, Agricultural Land and 4, Forest Lands. In the Periodic Review Order and in personal contact with DLCD staff it was acknowledged that "non-resource dwellings" would result from planned developments which created small new lots for homes which had only a divided interest in the larger farm or forest "common area tract".
- F. County Counsel has recently advised that the existing code language would, even after the 1990 amendment, allow the Planned Development Subdistrict to be applied in the resource protection zoning districts. Therefore, subsection MCC 11.15.6201 is added which specifically excludes the EFU, CFU and MUF zoning districts from the list of zoning districts in which the Planned Development Subdistrict may apply.

11.15.6201 Areas Affected

The Planned Development Subdistrict may only be applied in all urban districts and in the MUA-20, RR and RC rural districts.

Conclusion:

1. The proposed Code amendment adding clearer language to the Planned Development Subdistrict will satisfy the commitment made in the 1990 Periodic Review Order to allow this type of development only in the urban and rural "exception" zoning districts.

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of an)
Ordinance Amending MCC Chapter 11.15 to)
Restrict Application of the Planned Development)
Subdistrict to the Urban and RC, RR and)
MUA-20 Rural Districts)

**RESOLUTION
C 3-91a**

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

WHEREAS, The 1990 Ordinance Number 643 included an amendment to the Planned Development Subdistrict which attempted to restrict the Subdistrict from applying to rural farm and forest "resource" zoning districts and also allow the Subdistrict in the rural "exception" districts; and

WHEREAS, County Counsel has advised that the existing language in the Planned Development section of MCC Chapter 11.15 is not sufficiently clear to prevent the Subdistrict from being applied in farm and forest resource protection districts; and

WHEREAS, The Planning Commission considered this Ordinance at a public hearing on April 1, 1991 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the Ordinance captioned "An Ordinance amending the Multnomah County Code Chapter 11.15 by restricting the Planned Development Subdistrict to the urban and RC, RR and MUA-20 rural districts" is hereby recommended for adoption by the Board of County Commissioners.

Approved this 1st day of April, 1991



Richard T. Leonard, Chair
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending the Multnomah County Code Chapter 11.15 by restricting the Planned Development Subdistrict to the urban and RC, RR and MUA-20 rural districts.

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

Multnomah County Ordains as follows:

Section I. Findings.

(A). The 1990 Multnomah County Ordinance Number 643 included amendments to MCC Chapter 11.15 that eliminated the Rural Planned Development (RPD) Subdistrict and permitted the Planned Development (PD) Subdistrict to be applied in the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture (MUA) rural "exception" zoning districts. Previously, the PD Subdistrict had been applied only to urban zoning districts.

(B). The 1990 amendments to the Planned Development Subdistrict attempted to exclude the PD provisions from being applied in the rural farm and forest resource protection zoning districts. The "resource" zoning districts are the Exclusive Farm Use (EFU), Commercial Forest Use (CFU) and Multiple Use Forest (MUF).

1 (C). The amendments were a result of the Periodic Review study of "Changes in
2 Circumstances" completed for the State of Oregon Department of Land Conservation and
3 Development (DLCD). Part of that study included an examination of the number of "non-
4 resource dwellings" that had been approved in farm and forest zones. Such dwellings are not
5 in compliance with the resource lands preservation strategies of Statewide Planning Goals 3,
6 Agricultural Land and 4, Forest Lands. In the Periodic Review Order and in personal contact
7 with DLCD staff it was acknowledged that "non-resource dwellings" would result from
8 planned developments which created small new lots for homes which had only a divided
9 interest in the larger farm or forest "common area tract".

10
11 (D). County Counsel has recently advised that the existing code language would, even
12 after the 1990 amendment, allow the Planned Development Subdistrict to be applied in the
13 resource protection zoning districts. Therefore, subsection MCC 11.15.6201 is added which
14 specifically excludes the EFU, CFU and MUF zoning districts from the list of zoning districts
15 in which the Planned Development Subdistrict may apply.

16
17
18 Section II. Amendment.

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

20
21 **11.15.6201 Areas Affected**

22 The Planned Development Subdistrict may only be applied in all urban districts and in the
23 MUA-20, RR and RC rural districts.

Section III. Adoption.

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS _____ day of _____, 199____, being the date of its _____ reading before the Board of County Commissioners of Multnomah County.

(SEAL)

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

John DuBay, Deputy County Counsel
of Multnomah County, Oregon

Meeting Date: April 23, 1991

Agenda No.: PI-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal	(date)	BCC Formal	April 23, 1991
DEPARTMENT	DES	DIVISION	Planning
CONTACT	Sharon Cowley	TELEPHONE	2610
PERSON(S) MAKING PRESENTATION	R. Scott Pemble		

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 1 Minute

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):

Auto Wrecker's License Renewal

13231 SE Division Street (Division Street Auto Parts

Planning Recommendation of Approval

Continued to 4/30/91

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Or

DEPARTMENT MANAGER



(All accompanying documents must have required signatures)



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

March 28, 1991

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

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

Division Street Auto Parks
U-Pull It Division
13231 SE Division Street

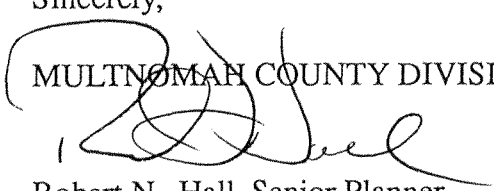
Recommend: Approval of Business Location

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: March 7, 1991

SUBJECT: RECORDS LICENSE RENEWAL

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

Thank you for your attention.

KF/slr/417-AINT

Attachment

RECEIVED
MAR 11 1991

Multnomah County
Zoning Division



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 DIVISION ST AUTO PARTS U-PULL-IT Division

503-760-7423

MAIN BUSINESS LOCATION (STREET AND NUMBER)

CITY PORTLAND

ZIP CODE

COUNTY

2 13231 S.E. Division

TROUTDALE

97236

MULT

MAILING ADDRESS

CITY PORTLAND

STATE

ZIP CODE

3 13231 S.E. Division

TROUTDALE

OR

97236

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

5 RONALD E. BARBER

PRES

10/2/49

(503) 665-0873

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

6 29504 S.E. Division Dr.

TROUTDALE

OR

97060

NAME

TITLE

DATE OF BIRTH

RESIDENCE TELEPHONE

7

()

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

8

NAME

TITLE

DATE OF BIRTH

RESIDENCE TELEPHONE

9

()

RESIDENCE ADDRESS

CITY

STATE

ZIP CODE

10

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 4 1/2 ACRES ft. X _____ 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

12 RONALD E. BARBER

PRES.

(503) 665-0873

ADDRESS, CITY, STATE, ZIP CODE

13 29504 S.E. Division Dr. TROUTDALE OR 97060

SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER

DATE

14 X Ronald E. Barber

11/15/90

15 **APPROVAL:** I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☐ COUNTY OF _____ 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

NAME

TITLE

PHONE NUMBER

16

SIGNATURE

DATE

17 X

SURETY BOND

BOND NUMBER

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)

901 SE Oak, Suite 108Portland, Or 97214232-4000

(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 1991 AND EXPIRES December 31 1991 (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 5th DAY OF February 1991

SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER)

X Ronald E. Barber

TITLE

Pres.

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X Jane Thorsen

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

232-4000

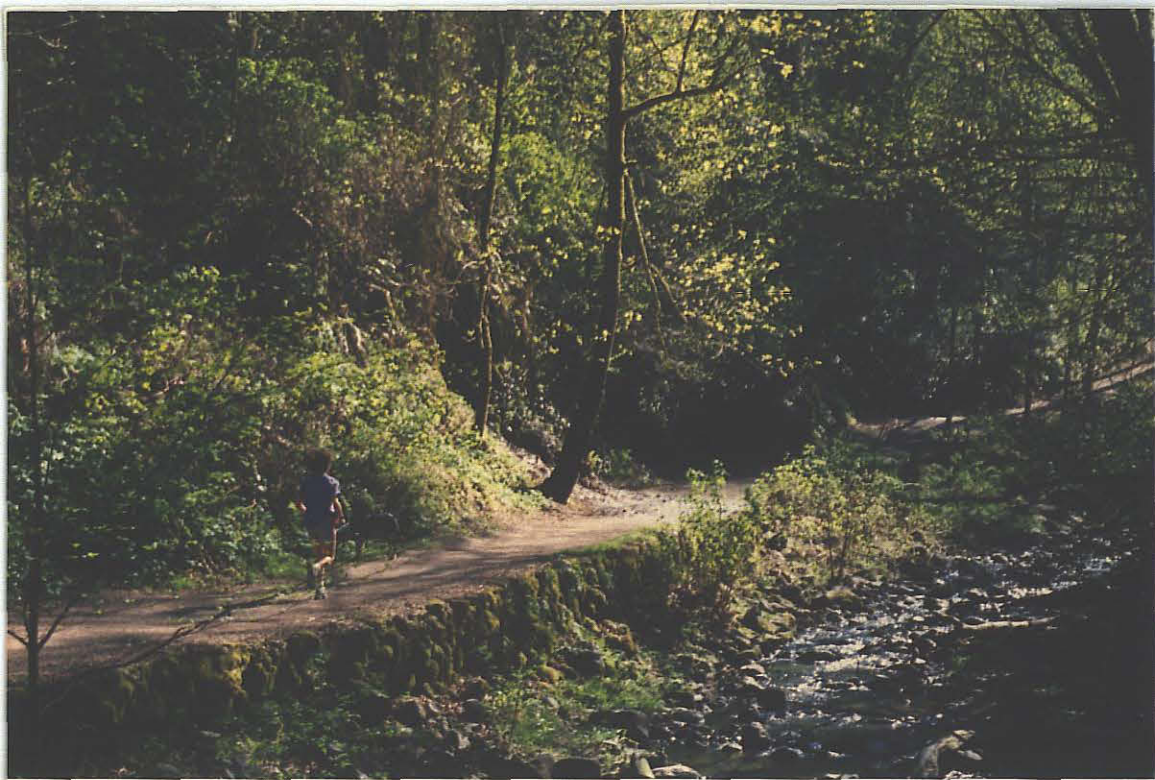
ADDRESS

PO Box 12053

CITY, STATE, ZIP CODE

Portland, Or 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE



BALCH CREEK

- a priceless resource in the heart of the city
- a steep, fragile watershed that needs protection

