

ANNOTATED MINUTES

*Tuesday, January 14, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

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

PLANNING ITEMS

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

- a) 82ND AUTO WRECKERS INCORPORATED, 8555 SE 82ND, PORTLAND*
- b) DAVID LUCHY, dba DESBIENS CLASSIC AUTO WRECKING AND TOWING, 28901 SE DODGE PARK BLVD, GRESHAM*
- c) HAROLD MILNE, dba LOOP HI-WAY TOWING, 28609 SE ORIENT DRIVE, GRESHAM*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED APPROVAL OF P-1, a) GRANTING LICENSE RENEWALS FOR 82ND AUTO WRECKERS INCORPORATED AND c) HAROLD MILNE, dba LOOP HI-WAY TOWING AND DENYING LICENSE RENEWAL FOR b) DAVID LUCHY, dba DESBIENS CLASSIC AUTO WRECKING, BASED UPON A FINDING THAT IT DOES NOT SATISFY STATUTORY LOCATION REQUIREMENTS WAS APPROVED WITH COMMISSIONER BAUMAN NOT PRESENT FOR VOTE.

*P-2 **PD 2-91** Review Decision of the Planning Commission of December 2, 1991, Approving a Planned-Development to Allow Development of a 25-Unit Manufactured Home Park at 13303 SE Ramona Street. SCOPE OF REVIEW: ON THE RECORD ORAL ARGUMENT IS 15 MINUTES PER SIDE*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED APPROVAL OF P-2. MARK HESS PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. TESTIMONY HEARD. BOARD APPROVED MOTION ADDING SPECIFIC LANGUAGE TO CONDITION 7 AND REDUCING THE NUMBER OF UNITS TO 22 WITH DIRECTION THAT THE SAVINGS IN TREES SHOULD OCCUR IN THE NORTHEAST CORNER. BOARD APPROVED MOTION ACCEPTING PLANNING COMMISSION DECISION OF DECEMBER 2, 1991, AS AMENDED. STAFF TO PREPARE FINAL ORDER FOR EXECUTION BY CHAIR WITHIN TWO WEEKS.

There being no further business, the meeting was adjourned at 11:00 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson

**Tuesday January 14, 1992 - 10:30 AM
Multnomah County Courthouse, Room 602**

BOARD BRIEFINGS

B-1 Update on Columbia Villa - Presented by Fred Milton. (30 MINUTES REQUESTED)

UPDATE PRESENTED AND EXPLAINED BY FRED MILTON, WITH COLUMBIA VILLA RESIDENTS BARBARA ADESAN, TINA SALING AND JIM VOISS AND MULTNOMAH COUNTY SGT MEL HEDGPETH.

B-2 Update on Costs Associated with the Multnomah County Acute Care Initiative - Presented by Rex Surface. (20 MINUTES REQUESTED)

UPDATE PRESENTED AND EXPLAINED BY GARY SMITH AND REX SURFACE.

**Tuesday, January 14, 1992 - 11:30 AM
Multnomah County Courthouse, Room 602**

AGENDA REVIEW

B-3 Review of Agenda for Regular Meeting of January 16, 1992

**Wednesday, January 15, 1992 - 1:30 - 3:30 PM
Multnomah County Courthouse, Room 602**

EXECUTIVE SESSION

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

**EXECUTIVE SESSION HELD. POLICY DIRECTION
GIVEN.**

**Thursday, January 16, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602**

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

REGULAR MEETING

CONSENT CALENDAR

**UPON MOTION BY COMMISSIONER HANSEN,
SECONDED BY COMMISSIONER KELLEY, ITEM C-5
WAS REMOVED FROM THE CONSENT CALENDAR TO
THE REGULAR AGENDA.**

**UPON MOTION OF COMMISSIONER HANSEN,
SECONDED BY COMMISSIONER KELLEY, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS
UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

C-1 *In the Matter of the Appointments of Dorian Boyland, Mary Dupain and Steve Fulmer to the Multnomah County Youth Services Commission*

C-2 *In the Matter of the Appointment of Eric M. Wall, MD MPH to the Multnomah County Community Health Council*

JUSTICE SERVICES

SHERIFF'S OFFICE

C-3 *Ratification of an Intergovernmental Agreement between Multnomah County Sheriff's Office and David Douglas School District to Provide DARE Program in the David Douglas School District*

C-4 *Ratification of an Intergovernmental Agreement between Multnomah County Sheriff's Office and Reynolds School District to Provide DARE Program in the Reynolds School District*

C-5 *In the Matter of Transferring Found/Unclaimed or Unidentified Property on List 91-2 to the Department of Environmental Services, Purchasing Division, for the*

ITEM C-5 WAS REMOVED FROM THE CONSENT CALENDAR. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF C-5. COMMISSIONER HANSEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. C-5 WAS UNANIMOUSLY APPROVED.

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-1 ORDER in the Matter of Designation of Newspapers of General Circulation in the County for Required Election Publications

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-1. ORDER 92-11 WAS UNANIMOUSLY APPROVED.

R-2 ORDER in the Matter of Cancellation of Land Sale Contract 15428 between Multnomah County, Oregon and Stephen M. Olson upon Default of Payments and Performance of Covenants

TESTIMONY WAS HEARD FROM JACK HOBSON AND PROPERTY OWNER, STEVE OLSEN. BOB OBERST OF FACILITIES AND PROPERTY MANAGEMENT PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION BY COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, ITEM R-2 WAS CONTINUED UNTIL THURSDAY, JANUARY 23, 1992. COMMISSIONER GARY HANSEN VOTED NO.

R-3 In the Matter of Board Approval for Multnomah County to Replace/Relocate and Finance the Janis Youth House as Required by the Current Lease

UPON MOTION OF COMMISSIONER KELLEY AND SECONDED BY COMMISSIONER BAUMAN, IT WAS UNANIMOUSLY APPROVED TO TABLE ITEM R-3 INDEFINITELY.

NONDEPARTMENTAL

R-4 In the Matter of the Confirmation of Appointment of Billi Odegaard as Director, Department of Health

COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-4. BILLI ODEGAARD THANKED THE BOARD FOR THE APPOINTMENT TO THIS POSITION AND THAT SHE IS PROUD TO BE PART OF MULTNOMAH COUNTY. ITEM R-4 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-5 PUBLIC HEARING - ORDER in the Matter of the Request for Approval to Transfer Tax Foreclosed Property to THE CITY OF TROUTDALE, OREGON

COMMISSIONER KELLEY MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF R-5. TESTIMONY OPPOSING R-5 AND R-6 FROM LOUISE WEIDLICK. ORDER 92-12 WAS UNANIMOUSLY APPROVED.

R-6 PUBLIC HEARING - ORDER in the Matter of the Request for Approval to Transfer Tax Foreclosed Property to THE CITY OF GRESHAM, OREGON

COMMISSIONER BAUMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. ORDER 92-13 WAS UNANIMOUSLY APPROVED.

KATHY OLIVER FROM OUTSIDE IN PRESENTED TESTIMONY TO THE BOARD, THAT \$12,500 WAS RETURNED TO THE COUNTY GENERAL FUND FROM OUTSIDE IN FUNDING.

There being no further business, the meeting was adjourned at 10:25 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson

**Thursday, January 16, 1992
Multnomah County Courthouse, Room 602**

BOARD BRIEFING

B-4 Multnomah County's Appointee to the Metro Charter Committee to Brief the Board on the Actions to Date of the Committee in Anticipation of County Participation of

the Committee's Hearing January 18th - Presented by Matt Hennessee, Janet Whitfield and Fred Neal. (45 MINUTES REQUESTED)

BRIEFING PRESENTED AND EXPLAINED BY MATT HENNESSEE AND JANET WHITFIELD WITH FRED NEAL PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. CHAIR McCOY REQUESTED RETURN IN EARLY FEBRUARY WITH UPDATE.

Meeting Date: January 14, 1991

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Auto Wrecker's License Renewal

BCC Informal _____ (date) BCC Formal January 14, 1991 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

xx DENIAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes Total

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):

8555 SE 82nd Avenue - 82nd Avenue Wreckers, Inc.

28901 SE Dodge Park Blvd. - Desbiens Classic Auto Wrecking and Towing

28609 SE Orient Drive - Loop Hi-Way Towing

*1/27/92 originals to Sharon Cowley
(82nd AVE & LOOP HI-WAY)*

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *[Signature]*

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JAN - 7 PM 12:10
Approval
Denial
Approval



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

December 24, 1991

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

RE: Auto Wrecker's License -Renewal

82nd Avenue Auto Wreckers
8555 SE 82nd Avenue

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

ROBERT G. SKIPPER
SHERIFF

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

(503) 255-3600

MEMORANDUM

TO: SHARON COWLEY
Administrative Assistant

FROM: DEPUTY H. HAIGH
Intelligence Unit

DATE: December 20, 1991

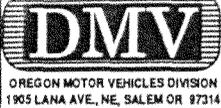
SUBJECT: WRECKER'S LICENSE RENEWAL

Attached is an Application for Business Certificate as a Wrecker of Motor Vehicles for 82nd Auto Wreckers Incorporated, 8555 SE 82nd, Portland, Multnomah County, Oregon 97266. The Sheriff's Office recommends the license be approved as long as zoning requirements have been satisfied.

Thank you for your attention.

HH/ism/632-AINT

Attachment



APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

2059

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

ORIGINAL
 RENEWAL

1 NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) 82 Auto Wreckers Inc		BUSINESS TELEPHONE 775 1581	
2 MAIN BUSINESS LOCATION (STREET AND NUMBER) 8555 SE 82		CITY Portland	ZIP CODE 97266
3 MAILING ADDRESS 8555 SE 82		CITY Portland	STATE OR
		STATE OR	ZIP CODE 97266

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

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

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

5 NAME Dwaine S. Shaw	TITLE PRES	DATE OF BIRTH 5/23/40	RESIDENCE TELEPHONE (503) 653-1111
6 RESIDENCE ADDRESS 8705 SE King Rd	CITY Portland	STATE Oregon	ZIP CODE 97266
7 NAME JUDITH A. Shaw	TITLE V.P.	DATE OF BIRTH 5/10/46	RESIDENCE TELEPHONE (503) 653-1111
8 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
9 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE ()
10 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE _____ 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.

12 NAME Dwaine S. Shaw	TITLE PRES	RESIDENCE TELEPHONE (503) 653-1111
13 ADDRESS, CITY, STATE, ZIP CODE 8705 SE King Rd Portland OR 97266		
14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER X Dwaine S. Shaw		DATE 12/20/91

15 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF MULTNOMAH HAS:

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

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

FEE: \$54.00

PLACE STAMP OR SEAL HERE

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:
BUSINESS REGULATION SECTION
1905 LANA AVE., NE
SALEM, OR 97314-2350

16 NAME GLADYS McCOY	TITLE COUNTY CHAIR	PHONE NUMBER 248-3308
17 SIGNATURE X Gladys McCoy		DATE 1/14/92

SURETY BOND

▼ BOND NUMBER ▼

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT _____
(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT _____
(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 _____
(SURETY NAME)

(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER _____

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF _____, 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 _____ 19 ____ AND EXPIRES _____ 19 ____ (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 _____ DAY OF _____ 19 ____.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER) X	TITLE
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) X	TITLE

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:	PLACE SURETY SEAL BELOW
IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:	
NAME _____ TELEPHONE NUMBER _____	
ADDRESS _____	
CITY, STATE, ZIP CODE _____	

APPROVED BY ATTORNEY GENERAL'S OFFICE	



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

January 3, 1992

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

RE: Auto Wrecker's License -Renewal

David Lucky
(dba Desbiens Classic Auto Wrecking and Towing)
28901 SE Dodge Park Blvd.

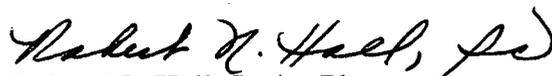
Recommend: Denial of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be denied, based upon findings that they do not 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 -



Multnomah County Sheriff's Office

ROBERT G. SKIPPER
SHERIFF

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

(503) 255-3600

MEMORANDUM

TO: SHARON COWLEY
Administrative Assistant

FROM: DEPUTY H. HAIGH
Intelligence Unit

DATE: December 20, 1991

SUBJECT: WRECKER'S LICENSE RENEWAL

Attached is an Application for Business Certificate as a Wrecker of Motor Vehicles for Desbian's Classic Auto Wrecking and Towing, Inc., 28901 SE Dodge Park Boulevard, City of Gresham, 97080. The Sheriff's Office recommends the license be approved as long as zoning requirements have been satisfied.

Thank you for your attention.

HH/jlz/630-AINT

Attachment

RECEIVED
DEC 23 1991

Multnomah County
Zoning Division



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

January 14, 1992

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

RE: Auto Wrecker's License -Renewal

Harold Milne
(dba Loop Hi-Way Towing)
28609 SE Orient Drive

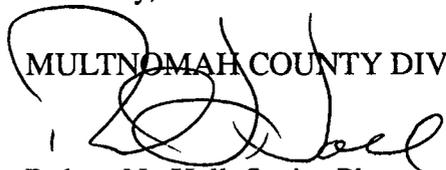
Recommend: Approval of Business Location

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



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) 1 <i>Loop Hi-Way Towing</i>			BUSINESS TELEPHONE		
MAIN BUSINESS LOCATION (STREET AND NUMBER) 2 <i>28609 S.E. Orient Dr.</i>		CITY <i>Gresham</i>	ZIP CODE <i>97080</i>	COUNTY <i>Mult.</i>	
MAILING ADDRESS 3 <i>28609 S.E. Orient Dr.</i>		CITY <i>Gresham</i>	STATE <i>OR.</i>	ZIP CODE <i>97080</i>	

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

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

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

5 NAME <i>Harold M. Milne</i>	TITLE <i>Partner</i>	DATE OF BIRTH <i>8-5-43</i>	RESIDENCE TELEPHONE <i>(503)663-5843</i>
6 RESIDENCE ADDRESS <i>28304 S.E. Orient Dr.</i>	CITY <i>Gresham</i>	STATE <i>OR.</i>	ZIP CODE <i>97080</i>
7 NAME <i>Carl H. Milne</i>	TITLE <i>Partner</i>	DATE OF BIRTH <i>1-11-49</i>	RESIDENCE TELEPHONE <i>(503)663-5462</i>
8 RESIDENCE ADDRESS <i>27390 S.E. Haley Rd.</i>	CITY <i>Boring</i>	STATE <i>OR.</i>	ZIP CODE <i>97009</i>
9 NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
10 RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

11 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE *1 1/2 acres* ft.

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

12 NAME <i>Harold M. Milne</i>	TITLE <i>Partner</i>	RESIDENCE TELEPHONE <i>(503)663-5843</i>
13 ADDRESS, CITY, STATE, ZIP CODE <i>28304 S.E. Orient Dr. Gresham, Or. 97080</i>		

14 SIGNATURE OF OWNER/PARTNER/CORPORATE OFFICER <i>x Harold M. Milne</i>	DATE <i>12/18/91</i>
---	-------------------------

15 **APPROVAL:** I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF *MULTNOMAH* HAS:

APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).

B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER OREGON REVISED STATUTE 822.110.

C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER OREGON REVISED STATUTE 822.135.

D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER OREGON REVISED STATUTE 822.140.

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

FEE: \$54.00

▼ PLACE STAMP OR SEAL HERE ▼

SUBMIT APPLICATION AND SURETY BOND, WITH ALL REQUIRED FEES AND SIGNATURES TO:
BUSINESS REGULATION SECTION
1905 LANA AVE., NE
SALEM, OR 97314-2350

16 NAME <i>GLADYS McCOY</i>	TITLE <i>COUNTY CHAIR</i>	PHONE NUMBER <i>248-3308</i>
17 SIGNATURE <i>x Gladys McCoy</i>		DATE <i>1/14/92</i>

SURETY BOND

BOND NUMBER

YLI 200603

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT HAROLD M. MILNE AND CARL H. MILNE
(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS LOOP HI WAY TOWING
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28609 S. E. ORIENT DRIVE, GRESHAM OR 97080
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND OLD REPUBLIC SURETY COMPANY
(SURETY NAME)

P. O. BOX 4627, PORTLAND, OR., 97208 (503) 246-6242
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

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

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

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

-- ANY ALTERATION VOIDS THIS BOND --

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

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER) <input checked="" type="checkbox"/> <u>Harold M. Milne</u>	TITLE <u>Partner</u>
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) <input checked="" type="checkbox"/> <u>Donna J. Guy</u>	TITLE <u>Attorney-In-Fact</u>
SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:	PLACE SURETY SEAL BELOW

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

NAME <u>WALRAD INSURANCE AGENCY</u>	TELEPHONE NUMBER <u>(503) 667-4171</u>
ADDRESS <u>P. O. BOX 2010</u>	
CITY, STATE, ZIP CODE <u>GRESHAM OR 97030</u>	



APPROVED BY ATTORNEY GENERAL'S OFFICE



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
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PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMO TO AUTO WRECKER'S RECORDS
REPORT OF SITE INSPECTION
For Property Located
at
28901 S E Dodge Park Boulevard
Auto Wrecker's Licence Renewal

02 January 1992

REGARDING SITE REFERENCED ABOVE

Site Address	28901 S E Dodge Park Boulevard
Tax Roll Description	Tax Lot 52 situated in the northwest quarter of Section 19, Township 1 South, Range 4 East, W M.
Site Size	1.00 Acres (43,560 sq ft)
Tax Roll Acct #	R-99419-0520
Occupants	Lucky Brothers Wrecking Yard
Owner of Record	David L Lucky & Alreata M Lucky 11326 S E Lexington Street Portland Oregon - - 97266-5928
Zoning District	RC "Rural Center" (MCC 11.15.2242 thru .2270)
Effective date of Code	26 July 1979
Map References	Assessor's 200 Scale full-section map for Sec 19, T 1 S, R 4 E, WM Sectional Zoning Map # 703 (R4E Zoning Map Book)

1992 JAN 15 AM 10:41
CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

14 JUN 92

Dear Karri

Attached are 2 documents
pertaining to Auto Wreck
case that was denied,
you may wish to place
them with your records.
If not, feel free to
discard

Thanks,
JW

INSPECTION FOR ZONING COMPLIANCE

REGARDING SITE INSPECTION MADE ON MONDAY, 19 DEC 1991

1. As requested by Ms Cowley, re-inspection of site (to determine current status) was made on the date noted above.
2. Property being used is one acre in area and has "double-frontage" on two county roads, S E Dodge Park Boulevard and S E Powell Valley Road.
3. Southerly 100 feet of property, adjacent to Dodge Park Blvd, is open and gravelled. Driveway at easterly end of Dodge Park Blvd frontage provides access to open parking area.
4. Eight vehicles (on display?) parked along westerly side yard, visible to street.
5. Along the north edge of the open area (parallel to Dodge Park Blvd) a six-foot high sight-obscuring fence has been constructed, running east to west, across the entire width of the property. Fence consists of vertical wooden boards (1 inch by 12 inch).
6. Site has one significant building, approximately 25 ft by 25 ft. South edge of wooden building is even with fence.
7. It appears that existing building was proposed for enlargement.
 - A. Eight more or less vertical six inch by six inch treated wooden poles were standing in a group on the west side of the existing building.
 - B. A second set of eight poles were grouped on the east side of the building.
8. No one was at site.
9. Sign , perpendicular to Dodge Park Blvd identifies business as "DESBIENS Classic Auto Wrecking and Towing".
 - A. Sign is backlit so as to be visible at night from both directions of travel.
 - B. Additional wooden sign below (two faced), not backlit, indicates "Towing" with 'phone number 256-4226, and "Parts" with 'phone number 663-5441.
10. Utility poles run through the middle of the open area.
 - A. Alignment of poles is parallel to Dodge Park Blvd, about forty feet south of sight-obscuring fence on north side of open area.
 - B. Lowest line, a telephone cable, is about fifteen feet above the ground.
11. Material stored behind fence was basically not visible from the front of the property.
12. Took pictures for the record.

FINDINGS

1. The property is zoned RC, "Rural Center" (MCC 11.15.2242 thru .2270)
2. A wrecking yard is not an allowed use in the RC district. However, this operation appears to be an established use which pre-dates the current rural zoning.
3. Sight-obscuring fence provides adequate screen for materials stored.
4. The parcel has "double-frontage" on two dedicated public rights-of-way. Access appears to be only from S E Dodge Park Boulevard.
5. A building permit is required for constructing an addition to the existing structure.

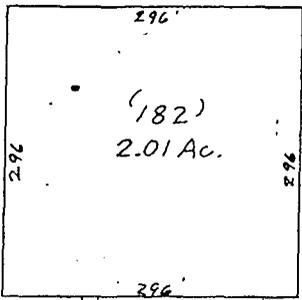
CONCLUSIONS

1. Use of the property for a wrecking yard is not in conformance with the existing zoning.
2. The wrecking yard is considered to be a "non-conforming" use, and a such may continue to operate, subject to annual renewals.
3. A sight-obscuring fence does provide an effective screen from Dodge Park Blvd.
4. The activity at the site appears to be in compliance with the land-use permit which is being requested for renewal except for the unanswered questions regarding the expansion of the existing building.

Sincerely,

Irving G Ewen,
Zoning Code Enforcement Office

CC City of Gresham Building Permit Department
Mark R Hess, sign permits
Sharon Cowley, Wrecking Yard Permits, Mult Co Zoning



8' 16.50

1089'

1089'

(47)
13.16 Ac.

6' 1713'

(46)
17.74 Ac.

(45)
13.7

(56)
3.87 Ac.

(187)
1.00 Ac.

90

(112)
0.31 Ac.

3091

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200

217.80

(8)
2.51 Ac. ✓

POWELL

VALLEY

d' 472.5'

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355'

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(2)
0.3 Ac.

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(100)
1.50 Ac.

T.A. = 12°
289.55

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521-166
11-7-39

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50161

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315

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DODGE PARK

Judg. 58623 Jul. 173-307, 1908

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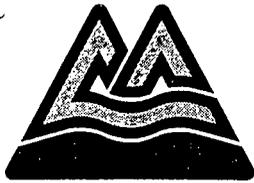
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

13 January 1992

David L Lucky & Alreata M Lucky
11326 S E Lexington Street
Portland
Oregon - - 97266-5928

Subject: **Notice of Zoning Violation (Certificate # P 671 256 809)
Regarding Property Located at 28901 S E Dodge Park Blvd**

Dear Mr Lucky & Ms Lucky:

It has been brought to our attention that certain conditions relevant to land use are in violation of Multnomah County rules and regulations at the location referenced above. The reported activity was:

1. Construction of additions to an existing building.
2. Installation of a new free-standing backlit sign.

A Staff person from the Zoning Code Enforcement Office made an investigation on Monday, 19 December 1991 and observed the following:

1. Two groups of eight vertical poles, one to the east and one to the west, beside an existing building.
2. A new free-standing sign near the Dodge Park frontage of the site which reads "DESBIENS Classic Auto Wrecking and Towing".

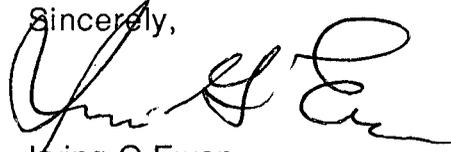
The property is zoned R-C, "Rural Center". Wrecking yards are not a listed use in this District (or any other Rural Zoning District). However, since this site was an established wrecking yard prior to zoning, it is considered to be a "non-conforming use". As such, it may continue to operate as long as no changes are made

Any changes; such as construction of new buildings, installation of free-standing signs, expansion within the site, etc; are subject to current regulations. The regulations applicable to this situation are contained in the "Design Review" portion of the County's Zoning Ordinance (MCC 11.15.7805 thru .7870). The "changes" observed at the site are the type that are required to have proper approvals and permits. A copy of the Design Review Section is enclosed for your information.

For more information regarding proper procedures for these changes on the site, please contact Mark R Hess of our staff.

In the interim, if you have any questions, please contact this office.

Sincerely,



Irving G Ewen

ZONING CODE ENFORCEMENT OFFICE

cc. Zoning Violation Case File, ZV 02-92

Enclosure:

MCC 11.15.2242 thru .2270, R-C, "Rural Center"

MCC 11.15.7805 thru .7870, "Design Review"

APPEAL BEFORE MULTNOMAH COUNTY COMMISSION OF PD 2-91, #427
DATED JANUARY 14, 1991

Madam Chair and Commissioners, Thank you for providing me this opportunity to appear before you this morning. My name is Greg Lutje and I am an attorney formally representing the interests of Don and Geri Rhyne, Chuck and Sadonna Wise, who own property immediately adjacent to the proposed project. I also believe it is safe to say that I also represent the interests of the balance of the nearly 200 petition signers who oppose the Planned Development under consideration today. These petition signers include nearly 99% of the residents of SE Ramona Street within 4 blocks either side of the Project and several parents of children that attend the adjacent Gibert Park Elementary School.

I hope that you have had an opportunity to read and review the materials that we submitted into the record. The materials include the above referenced petition, an affidavit that supports our position that the subject site is within an area formerly used as an illegal dump, correspondence that relates to a factual misrepresentation made by the applicant in his submission materials regarding the fire department's approval of the site's circulation pattern, a lengthy memorandum from me to the Planning Commission outlining our objections to the proposal, photographs of the area showing the congestion on Ramona Street near the school, and other letters and materials in opposition to the proposal, one of which is a letter from Dick St Claire, Principal

of Gilbert Elementary, which expresses his concern about the safety risks to the students if this project goes through. It's kind of scary realizing that I represent the interests and concerns of so many people. It makes me appreciative of the difficult position that you Commissioners are in because you represent the interests of the entire County and your constituency.

It is my goal this morning to assist you in your determination as to whether this proposal should be approved as conditioned by the Planning Commission, denied or modified. Our ultimate desire is to persuade you that the application should be denied because the applicant has failed to adequately demonstrate compliance with the required criteria under the County Plan and Code. If we cannot so persuade you, then we request that you remand the decision back to the Planning Commission for compliance with the requirement that conditions of approval cannot act as a substitute for findings of fact because we feel that the Commission, by imposing conditions of approval NO's 5, 6, and 7 has violated Oregon Land Use law by deferring a determination of compliance with a mandatory approval criterion based on the expectation that more detailed information will be developed in the future to demonstrate compliance with the standards. We do have a third fall back position that I will discuss later.

In summarizing our arguments that the applicant has failed to fulfill his burden under MCC 11.15.8230(D) of demonstrating that the proposed action fully accords with the applicable elements of the Comp Plan and other required criteria, I would like to concentrate on three topics, all of which begin with the letter "T"-- TRAFFIC, TREES AND TOXICS.

TRAFFIC. I have prepared this aerial photograph of the area to assist in locating this project in relation to the community. The photo shows SE Ramona Street, the Project and the school which is directly opposite the site. As mentioned above, nearly the entire community is in opposition to this project because of the concerns about the safety of the elementary students attending Gilbert Park School. Ramona is a two lane, local road without curbs or sidewalks. The other photographs pictorially demonstrate the congestion that occurs in the morning and in the afternoon as school commences and ends each day. The single most unifying concern with the neighborhood is that this project will dramatically increase the traffic flow on Ramona Street and consequently, increase the danger to the young students who must often dart from vehicles as they walk along the road.

We appreciate that the County traffic engineer placed traffic counters along the road to measure the traffic volume. The report confirms that the traffic count is highest during the school's ingress and egress periods. But, we feel that the traffic engineer's analysis is deficient because it simply relies upon a national traffic average for a determination of the safety

factor. There is no compensation or adjustment for the narrowness of the Road, the fact there are no sidewalks, or the relative proximity of the School. The applicant takes comfort in the traffic manual's claim that Mobile home parks generate fewer trips per day, on the national average, than single family residences. But we do not share the applicant's comfort on this issue. This project is being touted as being nearly equivalent to a traditional subdivision. The applicant has stated that he expects his typical tenant to be over 60 years old because that is his typical resident in his Troutdale facility. I suggest that the demographics of this area are different than in Troutdale, and that it is more likely that the residents here will be more like the residents of the several existing mobile home parks in the area that can be seen from this photo. I would be very interested in finding out how many trips per day are generated by the two mobile home parks to the west. I think it is interesting to note that in 1987 when the County was reviewing the application for the 31 Unit Park located at 129th and Ramona, the decision was made to limit access to the Arterial Foster Road and block off access to Ramona Street except for emergency vehicles because of these identical concerns regarding children's safety and the proximity to the school. I cringe to think that our exuberance towards urban infill comes at a sacrifice of safety.

On a related issue, you will find in the record correspondence from me to the Portland Fire Department, and its reply. These letters relate to claims made by the applicant in

his materials that he had obtained conceptual approval of the site's circulation pattern for emergency vehicle access. As can be seen, the applicant, in his exuberance to get this plan approved, misrepresented what the Fire Department represented. As a result, the Planning Commission added condition No. 7 to the approval. But, as explained below, a condition cannot be a substitute for a finding. The State has established mobile home park circulation criteria that the Fire Department utilizes when it reviews an application. There is no reason that the tentative plan cannot be examined in light of these statewide criteria now.

TREES. My second main topic concerns the unique natural setting of this site. As can be seen from the aerial photograph and other photos, the site is adjacent to the abandoned Bell Rose railroad that has become the bike/walking path from Milwaukie to Gresham. The site is the location of nearly 40 adult fir trees, some of which I presume are Douglas Firs (we're in the David Douglas area).

41 Trees inventoried, 23 removed (56%) - 4 are maybe + 14 left
3490

The applicant has made a big tadoo about maintaining as many trees as possible. Unfortunately, we do not agree that this project, as tentatively approved by the Planning Commission, fulfills the requirement under the Planned Development Code Section that projects result in "superior living arrangements" and properly relate to natural environment in harmonious ways.

I was somewhat disappointed when I appeared before the Planning Commission and attempted to present this recent article in the Oregonian entitled "In Harmony with Nature". It discusses some recent developments in Washington County where the developer exceeded the bare minimum requirements and spent extra time and money to preserve the setting and maintain as many trees as possible. One planner is quoted in the article as saying that the developer did a "first Class job", and did things the city didn't require and exceeded what local and state regulations required. It was my belief that this typifies what Planned Developments and the Counties' open space policies are designed to foster. Unfortunately, the Planning Commission deemed the material to be "inappropriate, inapplicable and immaterial to the hearing". I hope that this body is more appreciative of the theme that I feel the article represents.

In any event this issue relates to trees, open space, density, the unique setting of this site and the potential for making Parcher Park an appropriate addition to the community. With its access to the corridor and proximity to Powell Butte, the site seems ripe for potential. If the site were now in the City, it would be included in the Johnson Creek Basin Protection Plan, and would be afforded close scrutiny for maintenance of as much of natural resource as possible. The Planned Development scheme allows this body the opportunity to preserve as much of the site's natural resources as possible. We request that you exercise your

right to see that the site is developed to its full potential. As can be seen from the tentative layout, the primary effort has been made to cram as many units in the site as possible. No accommodation has been made for access to the pathway. No accommodation has been made under the Planned Development Code for Open Spaces. The applicant touts the minimum 6 X 8 foot (48 sq. feet) of back yard space that each unit must landscape. That is an area roughly equivalent to a prison cell. Why can't the grove of trees to the north east of the property be saved as a Park area for the tenants with benches, playground equipment for the children, and access to the pathway.

This locale offers a unique opportunity to create a livable and harmonious development that benefits the entire neighborhood. Our last goal, if we are unsuccessful with the first two, would be to request that you restrict the total number of permitted spaces to 20, which is the same number of units that would be allowed if this site were to be developed as a standard subdivision in the LR5 zone. Such a proposal limitation was offered by three of the Planning Commissioners at the December hearing. Unfortunately, the proposal did not obtain a majority. Such a size limitation would allow more trees to be preserved, allow open spaces, be more in harmony with the area and do much to allay the concerns of the neighborhood about traffic safety for the children. If we are unsuccessful in our first two goals, we hope you will entertain such a compromise.

SINCE APPLICANT DOES NOT OWN HOMES, CANT CONTROL SIZE OF
7 - APPEAL MEMO UNITS PURCHASED BY TENANTS, THUS, ONLY
BY MANDATORY LARGER SPACES CAN 40% COVERED
LIMIT BE INSURED - ACCOMMODATE LARGER UNITS

TOXICS. Comprehensive policies 14 and 15 attempt to direct development away from areas with development limitations or hazards except on a showing that any harm or adverse effects to the public have been mitigated. Although illegal dump sites are not listed limitations, I believe that the fact that the record includes a signed and sworn affidavit from a person with first hand knowledge of the site's history a dump site and a letter from another individual with similar knowledge, there is a significant risk that the property's development potential is limited in a fashion substantially similar to those factors the Policy specifies. As a real estate attorney, I am very much aware of the potential hazards of environmental contamination. If I were representing a potential buyer of this property and were aware of the facts contained in the affidavit and other letter, I would recommend at a minimum that a Level II Environmental Assessment be performed before closing. And given that the contaminants include petroleum products, insecticides, herbicides and other toxic materials, this site should have Level III remediation prior to any development.

While Condition of Approval No. 5 attempts to address this issue, a condition of approval cannot substitute for a finding of fact. As stated by LUBA in Foland v. Jackson County, "A local government may not defer a determination of compliance with a mandatory approval criterion based on the expectation that more detailed information may be developed in the future to demonstrate

compliance with the standard." Thus this body cannot pass on to the Building Official the responsibility for determining whether this property is safe to develop. The question is not whether "structures" such as roads, building foundations or other facilities requiring a compacted base can safely be placed on this site, but whether the site itself is safe to develop in its current condition. Even if the contaminated areas were left fallow, the potential for migration of toxic materials to other developed areas would exist and the contaminated areas should be cleaned up or restricted from trespass.

The applicant is aware of these environmental concerns. On page 6 of the transcript of the 10/7 hearing, he recounts Mark Hess advising him of the fact that there was a dump there at one time. "Gee, well I didn't see it and Mark and I walked the property. So I went back out and took another look and I still didn't see anything that indicated that there probably an illegal dump...Whether there is more fill there or whether there is the stuff buried that I don't know about like, I can't really tell you." This, is not a sufficient demonstration of compliance. Between the initial hearing in October and the continuation date in December, the applicant had sufficient time to have a environmental engineer assess the site and submit a report. We feel that this alone is sufficient grounds for a denial.

APPEAL BEFORE MULTNOMAH COUNTY COMMISSION OF PD 2-91, #427
DATED JANUARY 14, 1991

Madam Chair and Commissioners, Thank you for providing me this opportunity to appear before you this morning. My name is Greg Lutje and I am an attorney formally representing the interests of Don and Geri Rhyne, Chuck and Sadonna Wise, who own property immediately adjacent to the proposed project. I also believe it is safe to say that I also represent the interests of the balance of the nearly 200 petition signers who oppose the Planned Development under consideration today. These petition signers include nearly 99% of the residents of SE Ramona Street within 4 blocks either side of the Project and several parents of children that attend the adjacent Gibert Park Elementary School.

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We appreciate that the County traffic engineer placed traffic counters along the road to measure the traffic volume. The report confirms that the traffic count is highest during the school's ingress and egress periods. But, we feel that the traffic engineer's analysis is deficient because it simply relies upon a national traffic average for a determination of the safety

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On a related issue, you will find in the record correspondence from me to the Portland Fire Department, and its reply. These letters relate to claims made by the applicant in

his materials that he had obtained conceptual approval of the site's circulation pattern for emergency vehicle access. As can be seen, the applicant, in his exuberance to get this plan approved, misrepresented what the Fire Department represented. As a result, the Planning Commission added condition No. 7 to the approval. But, as explained below, a condition cannot be a substitute for a finding. The State has established mobile home park circulation criteria that the Fire Department utilizes when it reviews an application. There is no reason that the tentative plan cannot be examined in light of these statewide criteria now.

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3440

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In any event this issue relates to trees, open space, density, the unique setting of this site and the potential for making Parcher Park an appropriate addition to the community. With its access to the corridor and proximity to Powell Butte, the site seems ripe for potential. If the site were now in the City, it would be included in the Johnson Creek Basin Protection Plan, and would be afforded close scrutiny for maintenance of as much of natural resource as possible. The Planned Development scheme allows this body the opportunity to preserve as much of the site's natural resources as possible. We request that you exercise your

right to see that the site is developed to its full potential. As can be seen from the tentative layout, the primary effort has been made to cram as many units in the site as possible. No accommodation has been made for access to the pathway. No accommodation has been made under the Planned Development Code for Open Spaces. The applicant touts the minimum 6 X 8 foot (48 sq. feet) of back yard space that each unit must landscape. That is an area roughly equivalent to a prison cell. Why can't the grove of trees to the north east of the property be saved as a Park area for the tenants with benches, playground equipment for the children, and access to the pathway.

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TOXICS. Comprehensive policies 14 and 15 attempt to direct development away from areas with development limitations or hazards except on a showing that any harm or adverse effects to the public have been mitigated. Although illegal dump sites are not listed limitations, I believe that the fact that the record includes a signed and sworn affidavit from a person with first hand knowledge of the site's history a dump site and a letter from another individual with similar knowledge, there is a significant risk that the property's development potential is limited in a fashion substantially similar to those factors the Policy specifies. As a real estate attorney, I am very much aware of the potential hazards of environmental contamination. If I were representing a potential buyer of this property and were aware of the facts contained in the affidavit and other letter, I would recommend at a minimum that a Level II Environmental Assessment be performed before closing. And given that the contaminants include petroleum products, insecticides, herbicides and other toxic materials, this site should have Level III remediation prior to any development.

While Condition of Approval No. 5 attempts to address this issue, a condition of approval cannot substitute for a finding of fact. As stated by LUBA in Foland v. Jackson County, "A local government may not defer a determination of compliance with a mandatory approval criterion based on the expectation that more detailed information may be developed in the future to demonstrate

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The applicant is aware of these environmental concerns. On page 6 of the transcript of the 10/7 hearing, he recounts Mark Hess advising him of the fact that there was a dump there at one time. "Gee, well I didn't see it and Mark and I walked the property. So I went back out and took another look and I still didn't see anything that indicated that there probably an illegal dump...Whether there is more fill there or whether there is the stuff buried that I don't know about like, I can't really tell you." This, is not a sufficient demonstration of compliance. Between the initial hearing in October and the continuation date in December, the applicant had sufficient time to have a environmental engineer assess the site and submit a report. We feel that this alone is sufficient grounds for a denial.

APPEAL BEFORE MULTNOMAH COUNTY COMMISSION OF PD 2-91, #427
DATED JANUARY 14, 1991

Madam Chair and Commissioners, Thank you for providing me this opportunity to appear before you this morning. My name is Greg Lutje and I am an attorney formally representing the interests of Don and Geri Rhyne, Chuck and Sadonna Wise, who own property immediately adjacent to the proposed project. I also believe it is safe to say that I also represent the interests of the balance of the nearly 200 petition signers who oppose the Planned Development under consideration today. These petition signers include nearly 99% of the residents of SE Ramona Street within 4 blocks either side of the Project and several parents of children that attend the adjacent Gibert Park Elementary School.

I hope that you have had an opportunity to read and review the materials that we submitted into the record. The materials include the above referenced petition, an affidavit that supports our position that the subject site is within an area formerly used as an illegal dump, correspondence that relates to a factual misrepresentation made by the applicant in his submission materials regarding the fire department's approval of the site's circulation pattern, a lengthy memorandum from me to the Planning Commission outlining our objections to the proposal, photographs of the area showing the congestion on Ramona Street near the school, and other letters and materials in opposition to the proposal, one of which is a letter from Dick St Claire, Principal

of Gilbert Elementary, which expresses his concern about the safety risks to the students if this project goes through. It's kind of scary realizing that I represent the interests and concerns of so many people. It makes me appreciative of the difficult position that you Commissioners are in because you represent the interests of the entire County and your constituency.

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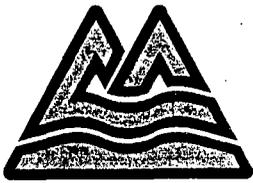
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1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FOR THE WEEK OF

January 13 - 17, 1992

- Tuesday, January 14, 1992 - 9:30 AM - Planning Items. . . .Page 2
- Tuesday, January 14, 1992 - 10:30 AM - Board Briefings. . .Page 2
- Tuesday, January 14, 1992 - 11:30 AM - Agenda Review. . . .Page 2
- Wednesday, January 15, 1992 - 1:30 PM - Executive Session .Page 2
- Thursday, January 16, 1992 - 9:30 AM - Regular Meeting. . .Page 3
- Thursday, January 16, 1992 - Briefing - Immediately Following
Regular Meeting. .Page 3

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

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

Tuesday, January 14, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

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

- Denial* → a) 82ND AUTO WRECKERS INCORPORATED, 8555 SE 82ND, PORTLAND
App b) DAVID LUCHY, dba DESBIENS CLASSIC AUTO WRECKING AND TOWING, 28901 SE DODGE PARK BLVD, GRESHAM
c) HAROLD MILNE, dba LOOP HI-WAY TOWING, 28609 SE ORIENT DRIVE, GRESHAM

See Notes
P-2 PD 2-91 Review Decision of the Planning Commission of December 2, 1991, Approving a Planned-Development to Allow Development of a 25-Unit Manufactured Home Park at 13303 SE Ramona Street. SCOPE OF REVIEW: ON THE RECORD ORAL ARGUMENT IS 15 MINUTES PER SIDE
TIME CERTAIN 9:30 AM TO 10:30 AM

January 14, 1992 - 10:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

B-1 Update on Columbia Villa - Presented by Fred Milton. (30 MINUTES REQUESTED)

✓ B-2 Update on Costs Associated with the Multnomah County Acute Care Initiative - Presented by Rex Surface. (20 MINUTES REQUESTED)

Tuesday, January 14, 1992 - 11:30 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

B-3 Review of Agenda for Regular Meeting of January 16, 1992

Wednesday, January 15, 1992 - 1:30 - 3:30 PM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d). (2 HOURS REQUESTED)

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointments of Dorian Boyland, Mary Dupain and Steve Fulmer to the Multnomah County Youth Services Commission
- C-2 In the Matter of the Appointment of Eric M. Wall, MD MPH to the Multnomah County Community Health Council

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 Ratification of an Intergovernmental Agreement between Multnomah County Sheriff's Office and David Douglas School District to Provide DARE Program in the David Douglas School District
- C-4 Ratification of an Intergovernmental Agreement between Multnomah County Sheriff's Office and Reynolds School District to Provide DARE Program in the Reynolds School District
- C-5 In the Matter of Transferring Found/Unclaimed or Unidentified Property on List 91-2 to the Department of Environmental Services, Purchasing Division, for the Sale or Disposal Pursuant to Multnomah County Code 7.70

REGULAR AGENDA

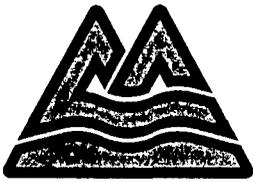
DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 ORDER in the Matter of Designation of Newspapers of General Circulation in the County for Required Election Publications
- R-2 ORDER in the Matter of Cancellation of Land Sale Contract 15428 between Multnomah County, Oregon and Stephen M. Olson upon Default of Payments and Performance of Covenants
- R-3 In the Matter of Board Approval for Multnomah County to Replace/Relocate and Finance the Janis Youth House as Required by the Current Lease

Thursday, January 16, 1992
IMMEDIATELY FOLLOWING THE REGULAR MEETING
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-4 Multnomah County's Appointee to the Metro Charter Committee to Brief the Board on the Actions to Date of the Committee in Anticipation of County Participation of the Committee's Hearing January 18th - Presented by Matt Hennessee, Janet Whitfield and Fred Neal. (45 MINUTES REQUESTED)



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SUPPLEMENTAL AGENDA

Thursday, January 16, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

REGULAR AGENDA

NONDEPARTMENTAL

R-4 In the Matter of the Confirmation of Appointment of Billi Odegaard as Director, Department of Health

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-5 PUBLIC HEARING - ORDER in the Matter of the Request for Approval to Transfer Tax Foreclosed Property to THE CITY OF TROUTDALE, OREGON

R-6 PUBLIC HEARING - ORDER in the Matter of the Request for Approval to Transfer Tax Foreclosed Property to THE CITY OF GRESHAM, OREGON

0200C/8
cap



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
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PORTLAND, OREGON 97214
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MEMO TO AUTO WRECKER'S RECORDS

Report of Conversation
with
Ken Don, Chief Building Inspector
City of Gresham

For Property Located
at
28901 S E Dodge Park Boulevard
Auto Wrecker's Licence Renewal

06 January 1992

TWIMC:

This Memo is in regard to an inquiry made to the City of Gresham's Building Inspection Division about two items at the site address noted above.

1. An expansion of a building started, but not completed, and
2. A relatively new on-premises free-standing sign, back lit, and visible from both directions of travel on S E Dodge Park Boulevard (which has been completed).

In a telephone conversation on late Friday afternoon on 03 January 1992, Mr Ken Don, Chief Building Inspector for the City of Gresham reported the following regarding the building construction:

1. Several months ago one of the C of G's Building Inspectors noted the construction activity at the site and advised the occupants that they would have to obtain the proper permits. A stop work was given and apparently no further construction has taken place since.
2. Mr Don reports that occupants were not willing to apply for required permits.

Ken Don, Chief Building Inspector

City of Gresham

During the same 'phone conversation, Mr Don indicated that he also was aware that a new (free-standing) sign, complete with electrical wiring, has been installed on the site.

1. In checking the C of G's permit records he could find no record of any application having been made there or approved through Multnomah County's Zoning Section for a sign permit.
2. Further, he noted that an electrical permit would also have been required. We both observed that the work on the sign had been completed without either of the two required permits having been obtained by the occupants through either office.

Mr Don was concerned that they had no enforcement powers regarding either of the two above-noted zoning violations.

1. Regarding the building construction, he felt that his department had gone as far as they could by the issuance of a "stop work" order.
2. As for the new free-standing electrically backlit sign, he felt powerless to do anything at this time since it was complete and operational (ie: it is not possible to put a "stop work" order on something that has been completed).

I advised Mr Don that the occupants / owners had applied for a renewal of their auto wrecker's licence and that we could recommend denial until the zoning matters had been brought into compliance. Further, that I would ask the Planning Director, R Scott Pemble, to make this our Department's recommendation to the Board of County Commissioners at their next regular meeting on Planning matters on Tuesday, 07 January 1992.

Sincerely,

Irving G Ewen,

Zoning Code Enforcement Office

CC Mr Ken Don, Chief Building Inspector, City of Gresham Building Permit Department
R Scott Pemble, Planning Director, Multnomah County
Mark R Hess, sign permits, Mult Co Zoning
Sharon Cowley, Wrecking Yard Permits, Mult Co Zoning

28901 S E Dodge Park Blvd
Lucky Brothers

-2-

06 JAN 92
Wrecking Yards

Planning
1-14-92
PD 291
Handout #2
P-2

APPEAL BEFORE MULTNOMAH COUNTY COMMISSION OF PD 2-91, #427
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Read Copies
for John Kirby
& Mark Hill

of Gilbert Elementary, which expresses his concern about the safety risks to the students if this project goes through. It's kind of scary realizing that I represent the interests and concerns of so many people. It makes me appreciative of the difficult position that you Commissioners are in because you represent the interests of the entire County and your constituency.

It is my goal this morning to assist you in your determination as to whether this proposal should be approved as conditioned by the Planning Commission, denied or modified. Our ultimate desire is to persuade you that the application should be denied because the applicant has failed to adequately demonstrate compliance with the required criteria under the County Plan and Code. If we cannot so persuade you, then we request that you remand the decision back to the Planning Commission for compliance with the requirement that conditions of approval cannot act as a substitute for findings of fact because we feel that the Commission, by imposing conditions of approval NO's 5, 6, and 7 has violated Oregon Land Use law by deferring a determination of compliance with a mandatory approval criterion based on the expectation that more detailed information will be developed in the future to demonstrate compliance with the standards. We do have a third fall back position that I will discuss later.

In summarizing our arguments that the applicant has failed to fulfill his burden under MCC 11.15.8230(D) of demonstrating that the proposed action fully accords with the applicable elements of the Comp Plan and other required criteria, I would like to concentrate on three topics, all of which begin with the letter "T"-- TRAFFIC, TREES AND TOXICS.

TRAFFIC. I have prepared this aerial photograph of the area to assist in locating this project in relation to the community. The photo shows SE Ramona Street, the Project and the school which is directly opposite the site. As mentioned above, nearly the entire community is in opposition to this project because of the concerns about the safety of the elementary students attending Gilbert Park School. Ramona is a two lane, local road without curbs or sidewalks. The other photographs pictorially demonstrate the congestion that occurs in the morning and in the afternoon as school commences and ends each day. The single most unifying concern with the neighborhood is that this project will dramatically increase the traffic flow on Ramona Street and consequently, increase the danger to the young students who must often dart from vehicles as they walk along the road.

We appreciate that the County traffic engineer placed traffic counters along the road to measure the traffic volume. The report confirms that the traffic count is highest during the school's ingress and egress periods. But, we feel that the traffic engineer's analysis is deficient because it simply relies upon a national traffic average for a determination of the safety

factor. There is no compensation or adjustment for the narrowness of the Road, the fact there are no sidewalks, or the relative proximity of the School. The applicant takes comfort in the traffic manual's claim that Mobile home parks generate fewer trips per day, on the national average, than single family residences. But we do not share the applicant's comfort on this issue. This project is being touted as being nearly equivalent to a traditional subdivision. The applicant has stated that he expects his typical tenant to be over 60 years old because that is his typical resident in his Troutdale facility. I suggest that the demographics of this area are different than in Troutdale, and that it is more likely that the residents here will be more like the residents of the several existing mobile home parks in the area that can be seen from this photo. I would be very interested in finding out how many trips per day are generated by the two mobile home parks to the west. I think it is interesting to note that in 1987 when the County was reviewing the application for the 31 Unit Park located at 129th and Ramona, the decision was made to limit access to the Arterial Foster Road and block off access to Ramona Street except for emergency vehicles because of these identical concerns regarding children's safety and the proximity to the school. I cringe to think that our exuberance towards urban infill comes at a sacrifice of safety.

On a related issue, you will find in the record correspondence from me to the Portland Fire Department, and its reply. These letters relate to claims made by the applicant in

his materials that he had obtained conceptual approval of the site's circulation pattern for emergency vehicle access. As can be seen, the applicant, in his exuberance to get this plan approved, misrepresented what the Fire Department represented. As a result, the Planning Commission added condition No. 7 to the approval. But, as explained below, a condition cannot be a substitute for a finding. The State has established mobile home park circulation criteria that the Fire Department utilizes when it reviews an application. There is no reason that the tentative plan cannot be examined in light of these statewide criteria now.

TREES. My second main topic concerns the unique natural setting of this site. As can be seen from the aerial photograph and other photos, the site is adjacent to the abandoned Bell Rose railroad that has become the bike/walking path from Milwaukie to Gresham. The site is the location of nearly 40 adult fir trees, some of which I presume are Douglas Firs (we're in the David Douglas area).

41 Trees inventoried; 23 removed (5640) - 4 one maybe + 14 left
3440

The applicant has made a big tadoo about maintaining as many trees as possible. Unfortunately, we do not agree that this project, as tentatively approved by the Planning Commission, fulfills the requirement under the Planned Development Code Section that projects result in "superior living arrangements" and properly relate to natural environment in harmonious ways.

I was somewhat disappointed when I appeared before the Planning Commission and attempted to present this recent article in the Oregonian entitled "In Harmony with Nature". It discusses some recent developments in Washington County where the developer exceeded the bare minimum requirements and spent extra time and money to preserve the setting and maintain as many trees as possible. One planner is quoted in the article as saying that the developer did a "first Class job", and did things the city didn't require and exceeded what local and state regulations required. It was my belief that this typifies what Planned Developments and the Counties' open space policies are designed to foster. Unfortunately, the Planning Commission deemed the material to be "inappropriate, inapplicable and immaterial to the hearing". I hope that this body is more appreciative of the theme that I feel the article represents.

In any event this issue relates to trees, open space, density, the unique setting of this site and the potential for making Parcher Park an appropriate addition to the community. With its access to the corridor and proximity to Powell Butte, the site seems ripe for potential. If the site were now in the City, it would be included in the Johnson Creek Basin Protection Plan, and would be afforded close scrutiny for maintenance of as much of natural resource as possible. The Planned Development scheme allows this body the opportunity to preserve as much of the site's natural resources as possible. We request that you exercise your

right to see that the site is developed to its full potential. As can be seen from the tentative layout, the primary effort has been made to cram as many units in the site as possible. No accommodation has been made for access to the pathway. No accommodation has been made under the Planned Development Code for Open Spaces. The applicant touts the minimum 6 X 8 foot (48 sq. feet) of back yard space that each unit must landscape. That is an area roughly equivalent to a prison cell. Why can't the grove of trees to the north east of the property be saved as a Park area for the tenants with benches, playground equipment for the children, and access to the pathway.

This locale offers a unique opportunity to create a livable and harmonious development that benefits the entire neighborhood. Our last goal, if we are unsuccessful with the first two, would be to request that you restrict the total number of permitted spaces to 20, which is the same number of units that would be allowed if this site were to be developed as a standard subdivision in the LR5 zone. Such a proposal limitation was offered by three of the Planning Commissioners at the December hearing. Unfortunately, the proposal did not obtain a majority. Such a size limitation would allow more trees to be preserved, allow open spaces, be more in harmony with the area and do much to allay the concerns of the neighborhood about traffic safety for the children. If we are unsuccessful in our first two goals, we hope you will entertain such a compromise.

SINGE APPLICANT DOESN'T OWN HOMES; CANT CONTROL SIZE of
7 - APPEAL MEMO UNITS PURCHASED BY TENANTS; THUS, ONLY
BY MANDATORY LARGER SPACES CAN 40% COVERAGE
LIMIT BE INSURED - ACCOMMODATE LARGER UNITS

TOXICS. Comprehensive policies 14 and 15 attempt to direct development away from areas with development limitations or hazards except on a showing that any harm or adverse effects to the public have been mitigated. Although illegal dump sites are not listed limitations, I believe that the fact that the record includes a signed and sworn affidavit from a person with first hand knowledge of the site's history a dump site and a letter from another individual with similar knowledge, there is a significant risk that the property's development potential is limited in a fashion substantially similar to those factors the Policy specifies. As a real estate attorney, I am very much aware of the potential hazards of environmental contamination. If I were representing a potential buyer of this property and were aware of the facts contained in the affidavit and other letter, I would recommend at a minimum that a Level II Environmental Assessment be performed before closing. And given that the contaminants include petroleum products, insecticides, herbicides and other toxic materials, this site should have Level III remediation prior to any development.

While Condition of Approval No. 5 attempts to address this issue, a condition of approval cannot substitute for a finding of fact. As stated by LUBA in Foland v. Jackson County, "A local government may not defer a determination of compliance with a mandatory approval criterion based on the expectation that more detailed information may be developed in the future to demonstrate

compliance with the standard." Thus this body cannot pass on to the Building Official the responsibility for determining whether this property is safe to develop. The question is not whether "structures" such as roads, building foundations or other facilities requiring a compacted base can safely be placed on this site, but whether the site itself is safe to develop in its current condition. Even if the contaminated areas were left fallow, the potential for migration of toxic materials to other developed areas would exist and the contaminated areas should be cleaned up or restricted from trespass.

The applicant is aware of these environmental concerns. On page 6 of the transcript of the 10/7 hearing, he recounts Mark Hess advising him of the fact that there was a dump there at one time. "Gee, well I didn't see it and Mark and I walked the property. So I went back out and took another look and I still didn't see anything that indicated that there probably an illegal dump...Whether there is more fill there or whether there is the stuff buried that I don't know about like, I can't really tell you." This, is not a sufficient demonstration of compliance. Between the initial hearing in October and the continuation date in December, the applicant had sufficient time to have a environmental engineer assess the site and submit a report. We feel that this alone is sufficient grounds for a denial.

*Planning
1-14-92
PD 2-91
Handout #1
P-2*

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Donald L. Trotter, Architect
12102 S.E. 36th Street
Milwaukie, Oregon 97222

SUBJECT: RESPONSE TO GROUNDS FOR REVERSAL OF DECISION OF PLANNING COMMISSION APPROVING PD 2-91

1. The appellant claims that the proposed development does not accord with the applicable elements of the comprehensive plan including element 13, 14, 16, 19, 21, 22, 24, 25, 33(a), 33(c), 37, 38, 39 and 40.

The purpose of Policy 39, as stated on page 173 of Vol. 2 of the Comprehensive Plan, "is to serve as a directive to the County in its park and recreation planning program." The subject property has not been designate as a park site and was therefore not included by Mr. Swan in his application concerning applicable comprehensive plan policies. In addition, a review of the record will show that Policy 39 was not discussed in the public hearings for PD 2-91, nor was it raised by the Planning Commission during their deliberations.

Policy 40, as indicated in the last sentence on page 175 of Vol. 2 of the Comprehensive Plan, relates to "industrial, commercial, community facilities and multiple family developments." The subject planned development is for 25 single family detached residences and was therefore not included by Mr. Swan in his application concerning applicable comprehensive plan policies. In addition, a review of the record will show that Policy 40 was not discussed in the public hearings for PD 2-91, nor was it raised by the Planning Commission during their deliberations.

Section 4(1) of the Planning Commissions Decision (PCD) shows that each of the plan elements listed in the appellants claim, except element 39 and 40, were addressed in Mr. Swans application and were considered by the Planning Commission. Paragraph 2 of 4(1) PCD states that "All findings of the application are not incorporated by this reference; changes are recommended in this report." However, a review of the PCD does not show any finding that indicates non-compliance with any of the applicable comprehensive plan elements. However, there are several findings which support various plan policies.

2. The appellant claims that the application fails to meet the applicable provisions of MCC 11.45. The proposal does require a lot line adjustment under MCC 11.45. This requirement has been recognized by the planning commission as stated in Section 4(2) PCD. In addition, the planning commission has attached Condition of Approval # 3 (reference page 4 PCD) which requires that the lot line adjustment for the subject property be completed prior to issuance of placements permits.

3. The appellant claims that the application fails to meet the standards contained in MCC 11.15.6206(A)(3). However, the Planning Commission finds in the last paragraph of Section 4(3) PCD "that the proposed design and amenities warrant the flexibility requested from the base zone, and adequately address the PD purposes cited above (ref. purposes finding below under criteria (8))." The first paragraph of criteria (8) on page 11 PCD states "The proposal generally fulfills purposes of the Planned development overlay by providing affordable housing opportunities, an efficient use of the site, reduce public costs for streets and maintenance, and preservation of significant natural features on the site (i.e., mature stand of Fir trees)."

4. The appellant claims that the proposal fails to meet the provisions of 11.15.6206(4) in that open space is not suitable for purposes of the proposal. As stated in the comments portion of Section 4(4) of PCD "There are no explicit minimum open space area requirements for a Planned Development. ... The site would be held under a single ownership and the individual home sites would be leased. This is a common and proven means of accomplishing the plan and program for a mobile home park."

5. The appellant claims that the proposal fails to meet the provisions of MCC 11.15.6214 in that the development proposal is not compatible with the natural environment, the plan is not designed to provide freedom from hazards or to offer appropriate opportunities for privacy, and the circulation patterns for the proposal are inadequate to serve the public and safety of the public.

As stated in the second paragraph of Section 4(5) of PCD "The applicant provided a map of trees proposed for removal at the December 2, 1991 hearing. The map identified 39-trees on the property. The map and table compared the number of trees saved with the proposed plan versus that saved with the conventional LR-5 subdivision of the site. The PD plan saved 19 trees compared to only 13 saved with a conventional LR-5 subdivision." This information indicates how the proposal will be compatible with the natural environment when compared to a conventional development.

The proposal is for a planned unit development with 25 manufactured units. Section 3 of PCD states "The October 7, 1991 Staff Report details applicable Zoning Code provisions. These are incorporated by reference." Paragraph 2A of the October 7 Staff Report states "The zoning ordinance definitions section (MCC .0010) includes "Manufactured Homes" in the definition of "Mobile Homes." Based on the definition for Mobile Home Parks listed in Paragraph 2B of the Staff Report, this proposal is a mobile home park and as such must meet the requirements MCC.7715 for setbacks and fencing requirements. The manufactured homes will be placed on each site in conformance with these requirements as ensured by the design review established as part of Condition of Approval # 1 (Reference page 4 of PCD).

As stated in the third paragraph of Section 4(5) PCD "Adjacent properties are largely developed with single family dwellings, particularly to the west and south of the site." The next to last sentence in the same paragraph states the planning commissions finding as follows:

"The proposed site layout displays a generally compatible design with neighboring road systems, buildings and uses."

6. The appellant claims that the proposal fails to meet the provisions of MCC 11.15.6216 regarding open space. However, as stated in the second paragraph of Section 4(7) PCD regarding the development standards of MCC 11.15.6216, "The proposed home sites would have between 4400 to 5900 square feet, and (if the 40% maximum space coverage is maintained) approximately 2000 to 3000 square feet of "open space" on each site. The Commission finds this adequately protects significant trees on the site and achieves the purposes of the Planned Development overlay on this site."

7. The appellant claims that the proposal fails to satisfy the density computation requirements for residential developments contained in MCC 11.15.6218.

Density computations for the proposed PD are listed in the third paragraph of Section 4(7) of PCD as follows:

"LR-5 provisions specify a 5,000 square feet minimum lot size for a single family house. The total site is 138,326 square feet. The Planned Development provisions therefore allow a total of 28 units. (138,326 divided by 5000 = 27.67 units). The application proposes 25-units."

This density calculation follows exactly the requirements of MCC 11.15.6218 (A) which states "Divide the total area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located."

8. The appellant claims that the development fails to meet the purposes criteria stated in MCC 11.15.6200 since the proposal does not result in superior living or development arrangements and the development does not adequately relate to the natural environment. The Planning Commission comments to MCC 11.15.6200 are listed in the first paragraph of Section 4(8) PCD as follows:

"The proposal generally fulfills purposes of the Planned development overlay by providing affordable housing opportunities, an efficient use of the site, reduced public costs for streets and maintenance, and preservation of significant natural features on the site (i.e., mature stand of Fir trees)."

Additional rebuttal to this claim regarding relationship of the proposal to the environment is listed in Paragraph 5 above.

9. The appellant claims the proposal fails to satisfy the provisions of 11.15.6206 (A) (9) since the approval applies conditions of approval which are substitutes for necessary findings.

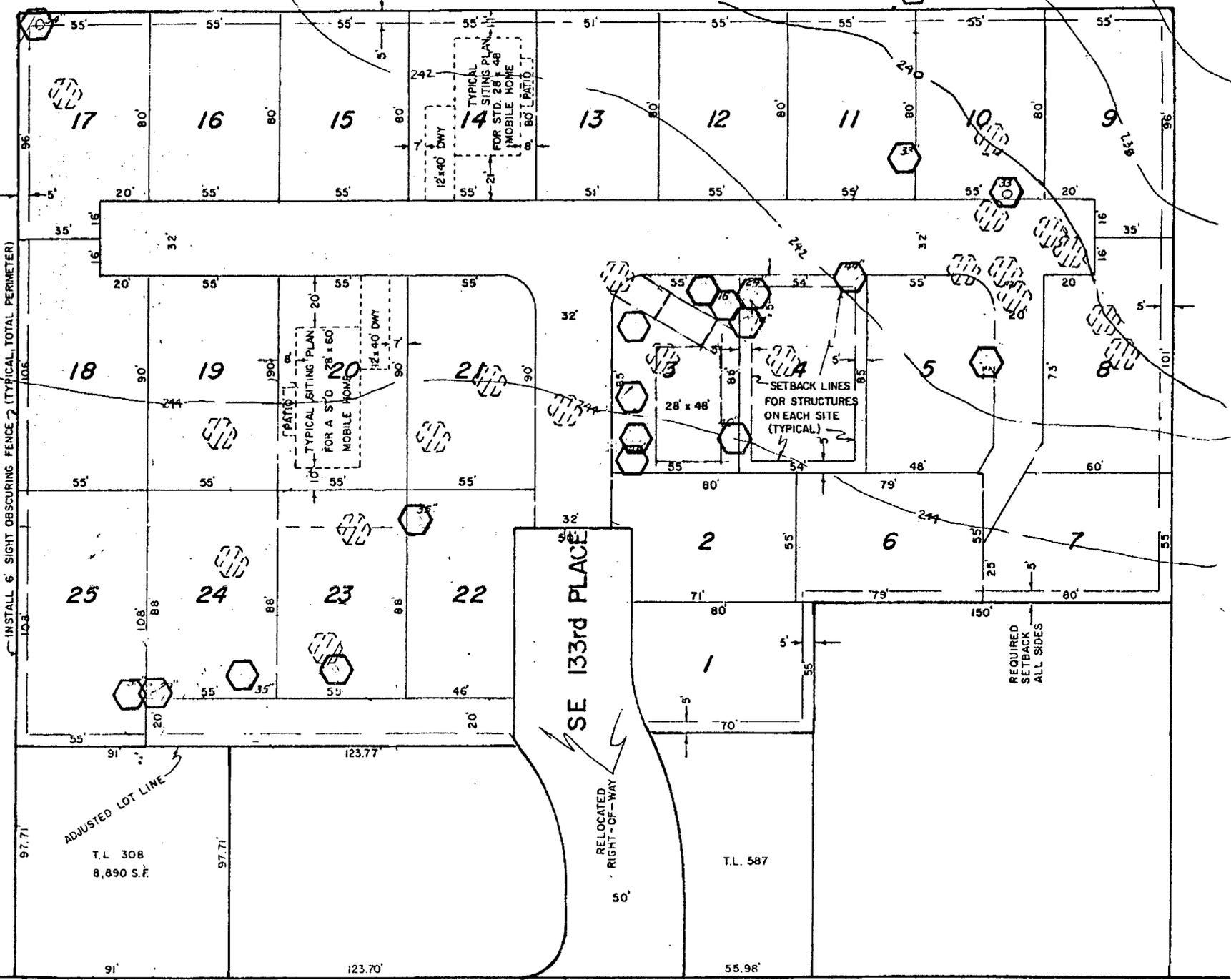
MCC 11.15.6206 (A) (9) is a criteria for approval. MCC 11.15.6208 entitled "Modifications and Conditions", states "In granting preliminary approval or final approval, the Planning Commission of the Planning Director may require such modification of the Plan and Program, or attach such conditions of approval, as necessary to satisfy the policies, purposes or standards of the Comprehensive Plan or this Chapter." The Planning Commission has approved PD 2-91 with the 7 conditions listed on page 4 of the PCD. The reasons for imposing the Conditions of Approval are listed in Section 4(9) PCD. The Planning Commission has also made findings regarding the Planned Development criteria listed in MCC 11.15.6206. These findings are listed on pages 6 through 11 of PCD.

10. The appellant claims that the proposed development fails to satisfy the provisions of MCC 11.15.7710. However, because of the LR-5 Zoning of property and the fact that this is a Planned Development, the approval criteria of MCC 11.15.7710 do not apply to this application. This statement is confirmed in Paragraph 2c, page 5 of the October 7 Staff Report, which states:

"The property is zoned LR-5 (Urban Low Density Residential). Mobil Home Parks are conditionally allowed under the Planned Development provisions (Ref. MCC 11.15.2630(D)). The Zoning Code specifies approval criteria for planned development proposals in MCC .6206:"

MCC 11.15.6206 entitled Criteria for Approval, has 9 criteria. Section 4 Subparagraphs (1) through (9) on pages 6 through 11 PCD, provides findings for each of the criteria listed in MCC .6206.

In conclusion, the Planning Commissions Decision on PD 2-91 was for approval with 7 conditions. The Decision was based on a review of the applicable comprehensive plan policies and the applicable ordinances as described in the Staff Reports Dated October 7, 1991 and December 2, 1991. In addition, the Planning Commission held two public hearings on the proposal and held deliberations among the Commissioners on October 7 and December 2, 1991. The findings supporting the decision are listed in the Planning Commission Decision dated December 2, 1991. The appellant has not presented information which shows that the Planning Commission Decision was in error and I urge you to uphold the Planning Commissions Approval of PD 2-91.

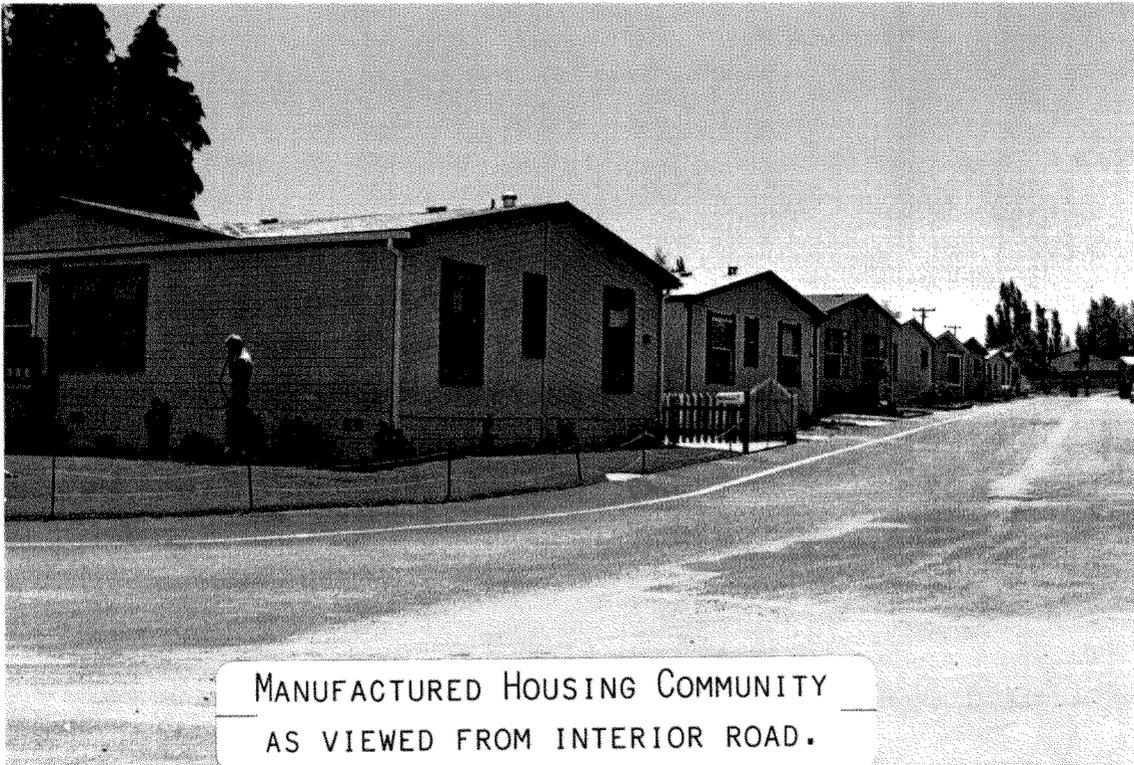


RAMONA ST.

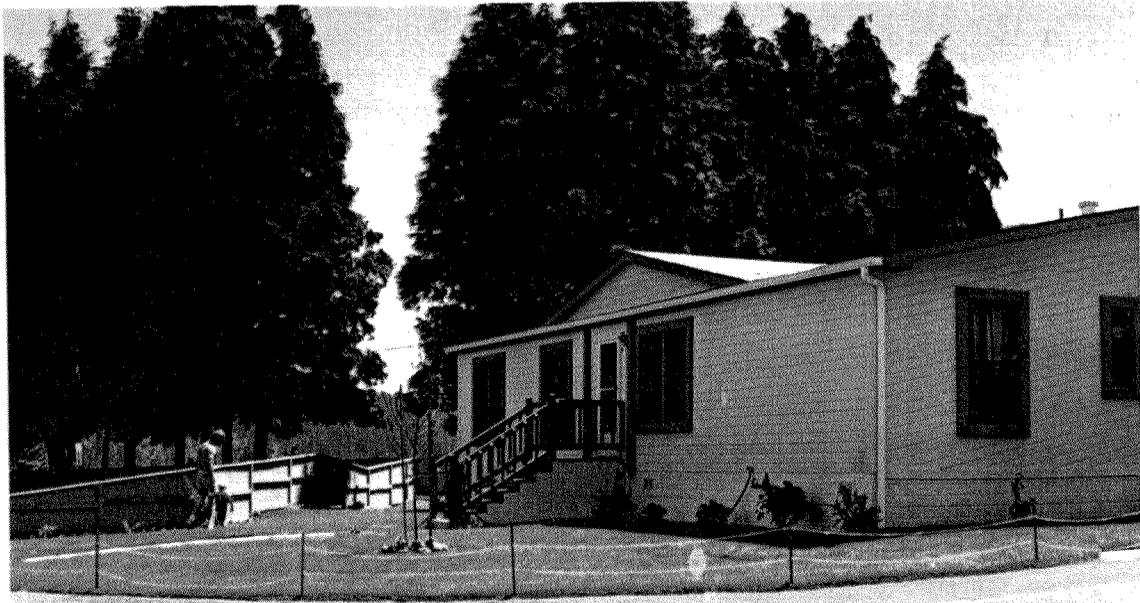
PD 2-91 #427 AS APPROVED DECEMBER 2, 1991



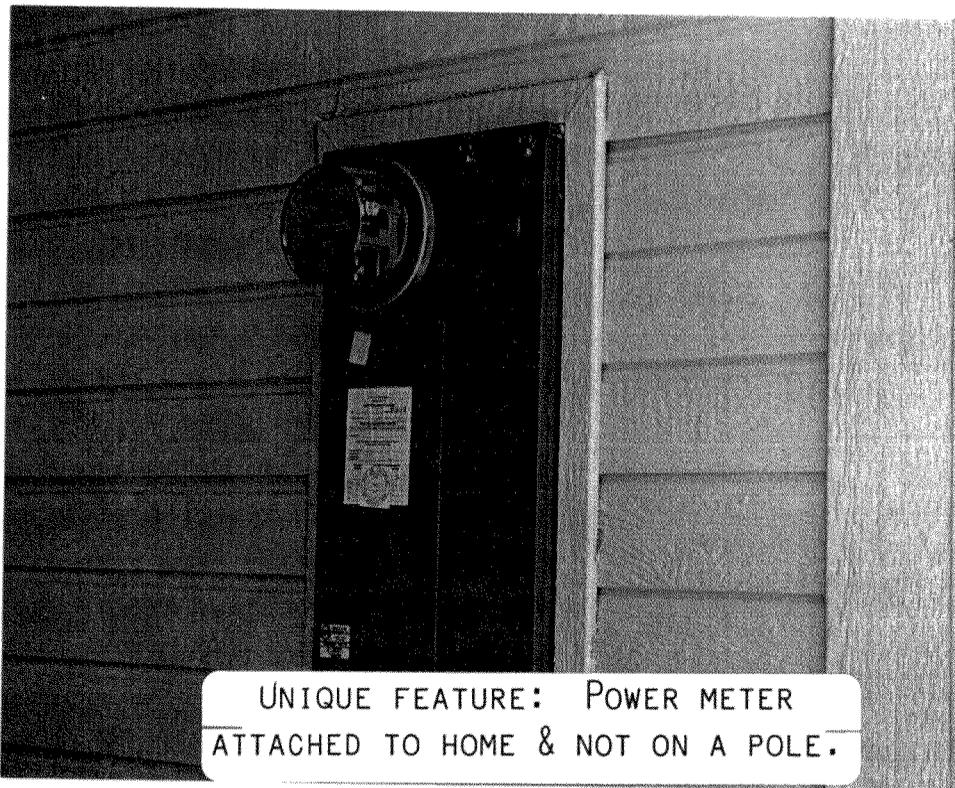
MANUFACTURED HOUSING COMMUNITY
AS VIEWED FROM THE STREET.



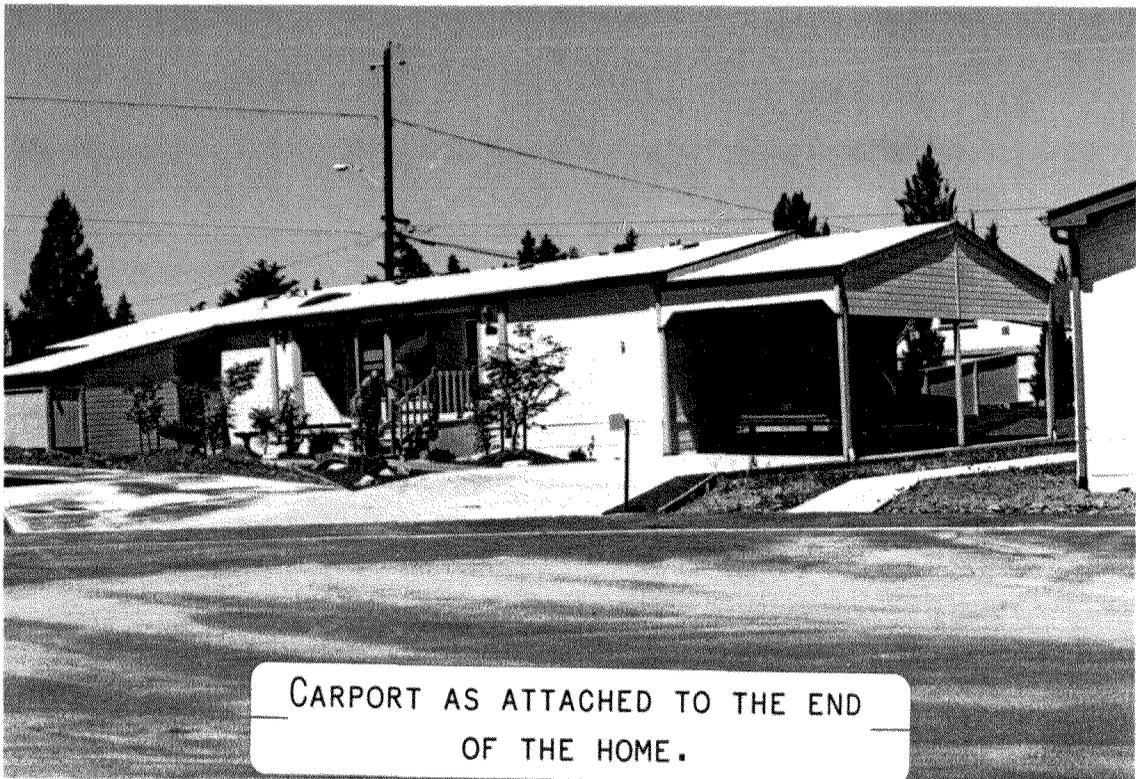
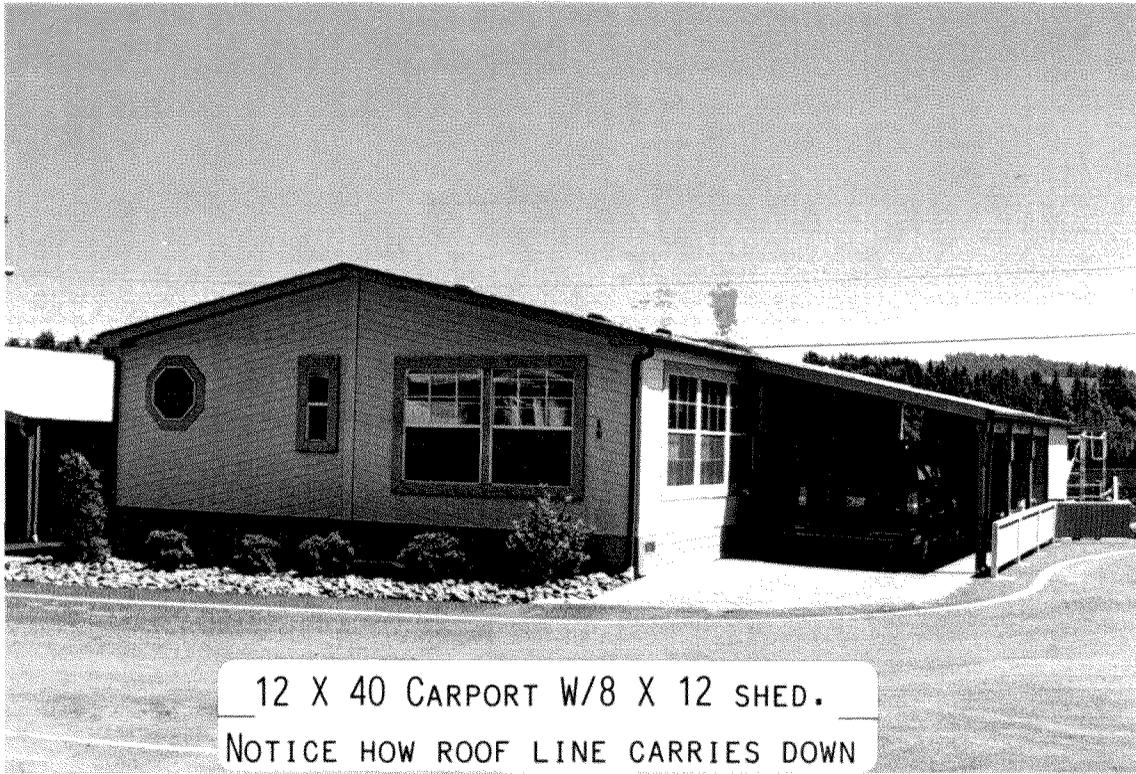
MANUFACTURED HOUSING COMMUNITY
AS VIEWED FROM INTERIOR ROAD.

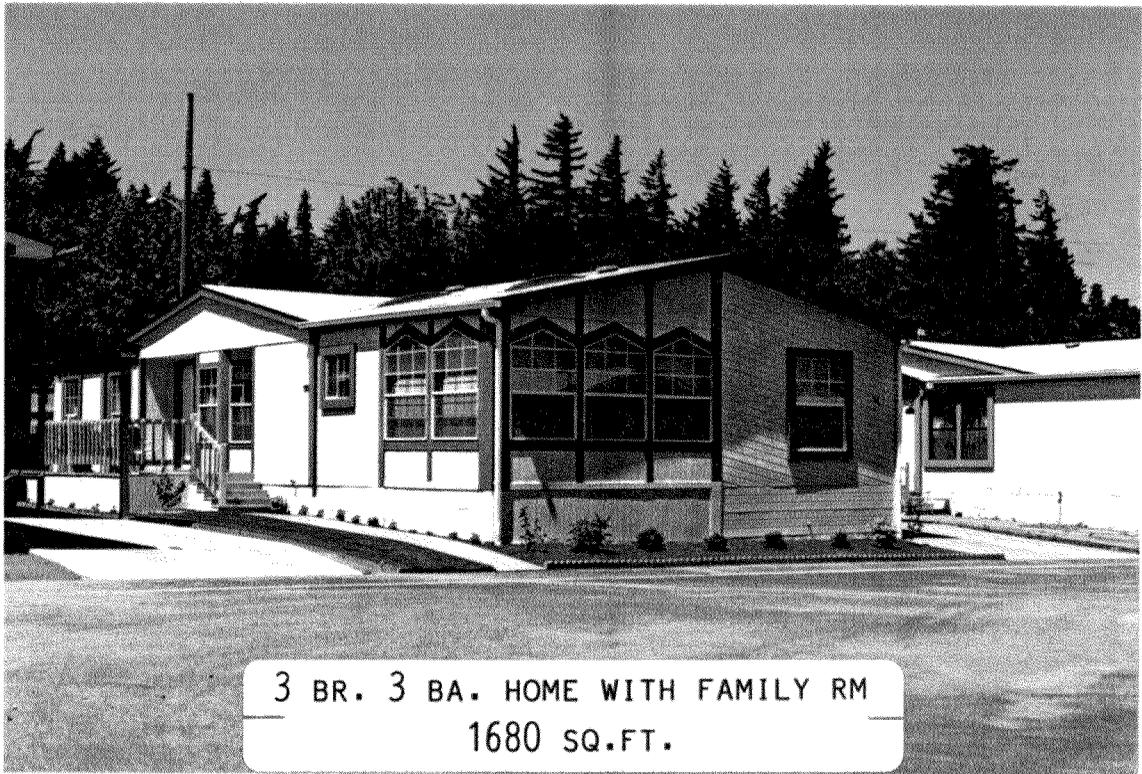


FAMILY HOME WITH LANDSCAPED YARD

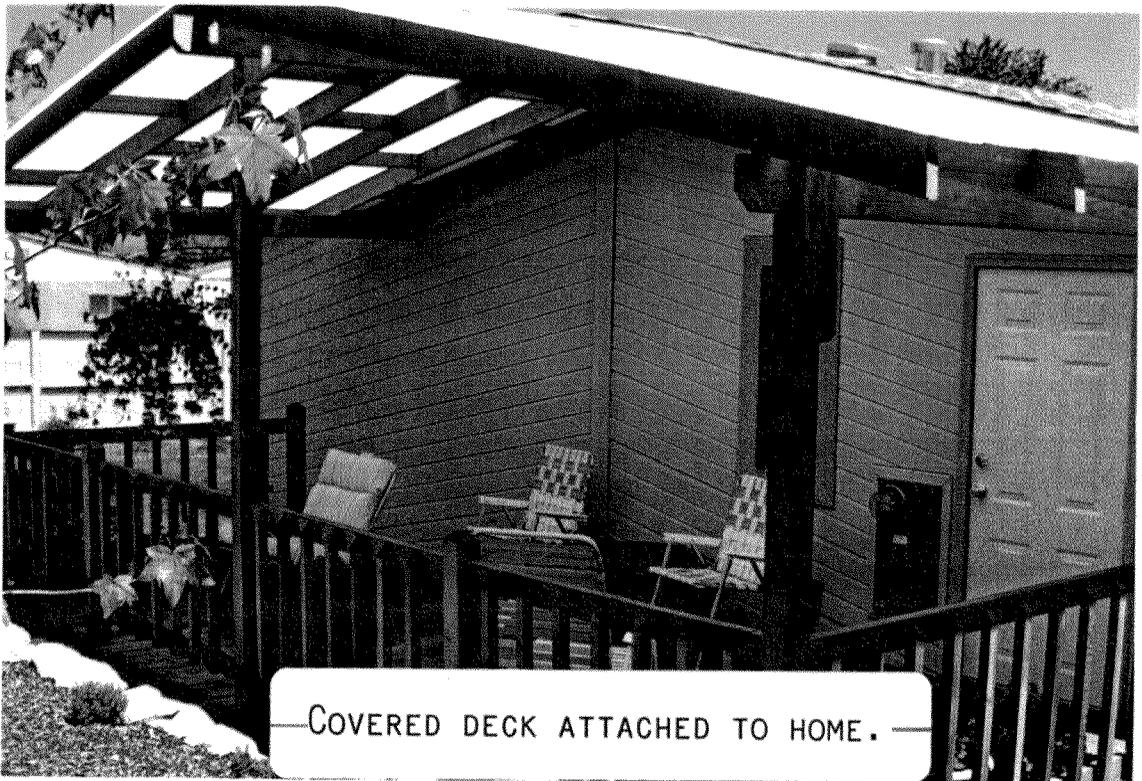


UNIQUE FEATURE: POWER METER ATTACHED TO HOME & NOT ON A POLE.





3 BR. 3 BA. HOME WITH FAMILY RM
1680 SQ.FT.



COVERED DECK ATTACHED TO HOME.

Meeting Date: January 14, 1992

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Public Hearing

BCC Informal _____ (date)	BCC Formal <u>January 14, 1992</u> (date)
DEPARTMENT <u>DES/Planning</u>	DIVISION <u>Planning</u>
CONTACT <u>Sharon Cowley</u>	TELEPHONE <u>2610</u>
PERSON(S) MAKING PRESENTATION _____	<u>Planning Staff</u>

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 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):

PD 2-91 Review Decision of the Planning Commission of December 2, 1991, approving a planned-development to allow development of a 25-unit manufactured home park at 13303 SE Ramona Street. Scope of Review: On The Record Oral Argument is 15 minutes per side

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____



(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JAN - 7 PM 12:10

Originals



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

Date: 01/14/92 Time: 9:30 a.m. Place: Room 602, Multnomah County Courthouse

PD 2-91 Public Hearing - On The Record

Review the Decision of the Planning Commission of December 2, 1991, approving, subject to conditions, a planned-development overlay to allow development of a 25-unit manufactured home park on a 3.18-acre site, for property **located at 13303 SE Ramona Street.**

Scope of Review

On the Record

Oral Argument

Each side has 15 minutes per side to present oral argument to the Board

**A PORTION OF THE PLANNING COMMISSION MEETING
OF DECEMBER 2, 1991
PD 2-91**

Chairman:

The next item on the agenda, line 2 is PD2-91, this is a deliberation and decision of an application which had a public hearing on October 7th. That hearing was continued for written comment until November 1, 1991 at which point all public input was closed on that and then the Planning Commission has given packages of that written material on November.

Okay, just to refresh who was at the October 7 hearing. Do you have attendance for the October 7 hearing.

Mr. Chairman, I wanted to remind you that there is actually a ten minute rebuttal period that is available to the applicant and opponents for this evening.

Chairman:

A ten minute oral rebuttal?

That is correct.

Chairman:

Okay, the attendance at the October 7th meeting was Leonard, Alsofi, Engle, Atwell, Douglas, Fritz, Hunt. Fry and Eune not present. Eune has said that he hasn't read the material in part. Fry has also not ---. To clarify the procedures, the written testimony was closed but there is an opportunity for oral rebuttal ten minutes to each side which we will take available immediately following the Staff Report on this request.

Yes, my name is Mark Hess with the Planning Staff and as you have already stated, this is a continuation of a matter that you first heard on October 7. File No. PD2-91. We have provided a supplemental Staff Report to you which modifies our earlier recommendation to and attempted to answer some of the issues and questions that were raised at the previous hearing. The background again was the first hearing was held on October 7th and several issues came up at that hearing and I have summarized these for you on page 5 of the revised Staff Report. They were in my list here, impacts on traffic volumes and pedestrian safety on Ramona St. Past filling and/or dumping activities on the side and its effects on the houses on the property, the residential density of the proposal, site coverage increase request from 40% to 50% of each house space and the issue of preservation of mature trees on the site.

We've recommended one of two things: you can either approve or deny. We are recommending approval with conditions, but we wanted to point out right up front in our recommendation that we were having some difficulty with one particular criteria. That criteria is on page 11 and it is the proposed plan development satisfy the purposes of the plan development sub-district and as you go through the purposes of the plan development sub-district, one of the findings that we felt that you would need to make to approve the PD, was that this proposal provides superior living or development arrangements and adequately relates the development to the natural environment. This was the tough call for us, as to whether the proposal as conditioned adequately addressed that standard. So, we wanted to point that out for your own deliberation.

The approval recommendation that we have made includes six conditions. Those are identified on page four of the Staff Report (supplemental) and the criteria are also contained in the Staff Report. I won't go through them verbally but the Staff Report it is available at the table at the back of the room if people don't already have it. And with that, I will open up for questions.

Questions for Staff:

I noticed in here, you say the project could be reduced to 21 or 22 spaces provided greater preparation. And the number of trees could potentially be saved. Do you have any number of trees, or are you saying that you would definitely save the trees by doing this?

Mark:

It would require a redesign to arrive at that number. I am glad you asked that question because it reminds me of an Exhibit B that I reference in the text but I haven't given to you. Hold on. I have referenced in the text in a couple of spots and that exhibit is indicating for you the trees identified on the site, the applicant provided a map of the trees on the site on October 7th, that you did not see at the prior hearing and the trees that are identified as a solid black circle are the trees that would be saved under the applicant's proposal. The trees that are open circle with a X marked through it are the ones that would be removed, and then the trees that are a smaller black circle with the ring around them and a question mark on the side are the trees that may be removed under the applicant's proposal. The statement that you were referring to George, was the one where we said if you reduced the number of homes or maintained the 40% lot coverage or dedicate open space, that you can save more trees. We haven't done a redesign to come up with new numbers. We are just making that correlation that if you have less homes the potential of tree loss is less as well. This does give you some idea of where the trees are clustered on the site in relation to the proposed improvements.

Commissioner Alsofi:

I have a question, are you saying too, that there would be a whole

new design in having fewer homes wouldn't necessarily just mean redividing it up with fewer numbers, I mean like you could dedicate an open area where the trees are.

Hess:

That is certainly an option that you could require the developer to explore. Clearly if you set a different number cap on it than what he is proposing, 22 is the number that we had suggested in the Staff Report. It would dictate a new site layout and the space lines would be varied and it may be possible; it seemed easy, one minor change for example would be to shift the road slightly, the center road running north/south through the site, shift it slightly to the west and avoid six trees on that corner lot right at that T intersection on the southeast corner.

Alsofi:

I thought we had some comment or concern about the diameter of the street, and if there was adequate turning radius for fire trucks and also whether the lot sizes were including those streets and their dimensions. It seems to me they were.

Mark:

Yes, and I have identified that in the Staff Report, it does appear that they are including the area where the sidewalk would be adjacent to that 32 foot private street in the lot area requirement. It is not including the private street itself but it is including a sidewalk area.

Mark, that is appropriate for a PD

Mark:

In terms of...so you are talking about the public street right-of-way that. I'm confused on the questions.

Alsofi:

I wanted to know if that would still be the way it would be done even if you had a fewer number, that is what I am trying to find out, whether that was an appropriate thing or not.

Mark:

To include the sidewalk area in the calculation of the mobile home space. You could specify it either way. There is no hard standard regarding that question.

Commissioner Hunt:

If this manufactured home development was to meet the LR5 zone requirement, in other words if it was a regular house of single family dwelling, how many houses could they put on this property?

Mark:

On Exhibit A, identifies what we felt was a fairly typical LR5 land division split and it comes up with using a public street going

into the site, and then a culda sack on the west end and running to a stub street running on the east end to serve some developable land to the east. It comes up with 20 lots that would meet the LR5 5,000 square foot standards. It is possible, but unlikely I think that you could squeeze a 21st one out of there, but roughly 20 I think is what you are talking about under LR5.

Chairman:

Further questions for staff?

We'll move ahead with the rebuttal period scheduled allowing a maximum of ten minutes to each side. I have a timer that I have preset for ten minutes and there will be a little beep that will go off when we get to ten minutes. We will begin with the applicant's rebuttal.

Charlie Swan, 11822 SE 36th, Milwaukie, Oregon. I would like to say that myself and my staff will do our level best to rebut 48 minutes of testimony in ten minutes. We will do the best we can okay?

Thank you for permitting me to resume where we left off from our first meeting. For your information, my plan to complete our portion of the extended hearings will be as follows:

I would like to rebut previous 48 minutes of opposition testimony. I would like to have Mr. Bill Ringnalda, Consulting Engineer and Land Surveyor will describe how the trees on the proposed development were located on the map and how we arrived at the design we submitted. Mr. Don Crowder, Architect will speak -- designation, including the lot size and preservation of as many trees as possible. Honest engine, we made a real effort to save trees. I will make every attempt to brief. However, I feel it as incumbent upon me to clearly rebut incorrect assumptions previously stated. I will concede that the bulk of these statements were made from a position of not understanding what the developer must do to have a project approved and not understand what the course of the Planning Commission is. I must however apologize for not making crystal clear at the first meeting the lengthy process Mr. Ringnalda and I went through, making every reasonable effort to save as many trees as possible. I intend to correct my poor communications.

We all recognize the standards and criteria for development outlined in the Community Development Code, represent the collective opinion of the citizens of Multnomah County, which were carefully developed, after many numerous public hearings and meetings. These rules and regulations were designed to prevent an over zealous developer from raping the land and conversely the same regulations are designed to prevent over zealous opponents from barring reasonable permitted and orderly development. Orderly land use is in the best interest of all citizens.

I would like to skip on now and say, as far as the revised Staff Report, I can concur that items 2, 3, 5 & 6 in their entirety; I have some problems with 1 and 4. I shall return to these precise issues after my rebuttal to the opposition.

I would like to paraphrase 48 minutes of opposition testimony. Many people express concern for heavy traffic. I felt like the traffic was probably satisfactory. I reference Mr. John Dorse memorandum dated November 21, 1991 that indicates the traffic level is at the A-B level at this time and would be after the development is completed.

I would like to also notice that Mr. Dorse indicated that the number of trips generated by manufactured housing development is only 4.8 per house as compared to 10 for single family house. So if there were 20 single family houses there, that is 200 trips a day. If there are 25 manufactured houses there, there is only 120 trips a day. So, speaking in so far as traffic is concerned, this is the best type of development for the area.

Next, many expressed concerns about illegal fill and dumping. This issue is addressed in Staff Conditions of Approval, #5. I concur easily with the staff recommendation.

Next, many expressed concerns about on-site storm water drainage. This issue is addressed in Staff Conditions of Approval, #6. I concur with the staff in total.

Next, many people addressed concerns about saving as many trees as possible. This issue is addressed in condition approval #1. I concur with staff in principal only. I plan to clearly demonstrate our plan will in fact save many more trees than will the standard LR5 development. Please be reminded that in a standard LR5 development, there is no assurance that any trees will be saved. I can agree with staff recommendations on approval #1, except in for limiting the number of housing units. Limiting the development to 20 units is not reasonable. 22 units would further confuse existing Multnomah County permitted density regulations which are as follows:

The Hess Plan, Staff Plan under that plan straight LR5, there would be 20 units permitted.

Units permitted under a maximum LR5 density, I believe that we can get 22 lots out of that site. Mr. Hess thought 20, I worked it over, I think 22. We could argue about that for quite a while.

Units permitted under the PD designation, which is what we have asked for is 28. We should be able to have 28 units under the PD designation.

Units permitted under Multnomah County Mobile Home regulations, we could put 38 mobile homes on there.

I am asking for 25 because it is the ideal size lot. They are all 55 by 80 or bigger, and for the product we are putting in there, it is perfect. Our 25 unit development is well thought out, carefully planned and designed to create the best living environment possible for this type of housing. And we are experienced and not just making some noise.

Moving on to lot coverage. I could agree with the staff conditions for approval #4 except in for the 40% lot coverage. I feel that 50% is reasonable. Limiting lot coverage to 40% or less would limit the perspective home owner to a choice of a smaller product only. It seems unreasonable to me that the proposed home owner, who is typically a 62 year old couple, would not be permitted to choose a home that is the industry standard because it exceeds an arbitrary 40% lot coverage. Additionally, experience tells us that 50% coverage of existing 5,000 square foot lots, seems to work okay. It would logically follow the 50% coverage on smaller lots as reasonable as would smaller lots produce smaller buildings. The relationship is consistent. And I would like to have Mr. Ringnalda and explain how we placed the trees on the map and I think he will tell you that there was a mistake in the location of one tree.
Mr. Ringnalda.

Mr. Ringnalda:

Bill Ringnalda, 879 Cottage NE, Salem, OR - Consulting Engineer and Land Surveyor. We did locate all of the trees on the property and the map that Mr. Hess had. Unfortunately had one error. I have with me an overhead which shows the trees and shows lots. What we did of course for design process, we start out with the minimum size lot and we start out with the number permitted and we work from there. We work with the trees, we spent some time out there with the electronic equipment locating all of the trees with respect to lines, and we finally came up with 25 spaces, not 28. We also look at the overall soil situation and the soil survey of Multnomah County indicates that it's Multnomah soils and you find that on Plate 27, if you want to look at the maps and you find that we are dealing with soils that have a high percolation rate; soils that you can't build dikes out of because the water runs through them and things of this sort, and that the water table is in excess of 60 inches for the high water table. And that is in rebuttal to something that we heard earlier in testimony.

As far as discovering a fill site, I was surprised at the last hearing when people were testifying that we had a fill site there when we have these trees with the root crowns and these are 30 inch trees with the root crowns showing. If there had been 4 or 5 feet of toxic fill, it would be covered over. I want to give Don enough time because he is going to talk about the actual tree situation.

Chairman:

Okay, I'll stop the clock while you are handing those out. There is a minute and 34 seconds remaining.

(Other voice)

In the interest of time, I am handing these out rather than doing an overhead, so if you will wait for a moment while you get your handouts, I would appreciate it.

What I have done, just to save you time is to answer Mr. Douglas's question about the number of trees could be saved. I've taken Mr. Hess's --- LR5 subdivision and put it all a trees as we have located them on the site. There are the same 39 trees on that piece of property as there are on the handout that Bill gave you a few minutes ago. The second sheet I gave you is a tabulation by lot of all the trees that in my experience I feel could reasonably be saved. What you will notice is that on the 20 lots, that LR5, you can save, you could save 14 trees with 20 lots. With the 25 lots in the PD that we are proposing, we can save 19 trees. The other thing I would like to point out is the bottom of this sheet, you will notice that in the PD your design review will guarantee the number of trees that you can save by reviewing the exact placement of each unit. You do not have that same guarantee in a conventional subdivision.

Chairman:

Nineteen seconds to go. Any questions. Thank you, the tree surveys are very useful information. Thank you for providing that. We'll now look forward to ten minutes for anyone in opposition to provide rebuttal. Does the opposition group have a designated speaker for the rebuttal.

Yes sir, and there is going to be two of us. I am going to take about five minutes. But first before we start to talk, I would like to hand out some materials.

Good evening, my name is Greg Ludke, I am an attorney and I am representing Mr. Don Ryan, who is in opposition to this proposal. What I have had distributed to you is a photocopy of some recent correspondence I've received from the City of Portland Fire Department that goes to the heart of what I think has been a serious misrepresentation to this commission from the applicant. And I would like to explain to you what has happened.

On the top of is the cover transmittal sheet, underneath is the copy of the letter from Mr. Lynn Davis, Fire Marshall and Jim Swigg a Senior Engineer. The source of this letter, at the bottom of the packet is a copy of a letter that I sent to Rich Butcher of the Fire Department in which I brought to his attention, representations that have been made by the applicant to this board in this materials and asked for him to set the record straight. Underneath then are the copies of those materials and I will just

briefly review those.

The first submittal for Mr. Swan is a notation dated 7/05/91, to Rich Butcher of the Portland Fire Department where they discuss the location of the fire hydrants and the construction of the road. Underneath that is a copy of a memo that Mr. Swan sent to Marquess, the Planner. It appears to be dated July 30th, confirming a conversation he had with Mark. In that under Item 1, he says, "Rich Butcher, Fire Inspector - City of Portland has accepted the design as submitted concerning fire apparatus, traffic flow and equipment movement." Underneath that then are pages from the actual material submitted by the applicant. On page 14, is addressing the issues on policy of 38 facilities. In that he makes a statement under Item C, under the response, "the appropriate fire district has had an opportunity to review and comment on the proposal", the applicant says yes. Rich Butcher of the Portland Fire Prevention Division has approved the project of concept.

Underneath that is further materials from the materials where on page 4, where he says, "Rich Butcher, Fire Inspector, verbally approved circulation as shown and the tentative plan...", and so forth. Then getting back to what I brought to his attention, you have from Mr. Butcher's boss at the fire department, a response to my letter in which he says basically, "Mr. Butcher provided guidelines for water supply and hydrant placement and noted that the fire apparatus access would have to be reviewed by the plan's examiners." He says in here "None of our plan examiners including individuals responsible for reviewing circulation including Mr. P-----, reviewed, or have been requested to review Mr. Swan's proposal as it relates to circulation. We have not approved the project and concept." My concern over this is not so much whether Mr. Swan did or did not obtain the fire circulation pattern but:

- 1) I believe his credibility is significantly challenged on every representation he has made to the Planning Commission on the staff as far as the findings and research.

As I understand from Mark Hess, the applicant will need to go through Design Review, and ultimately the fire circulation pattern will need to be approved. That is not the issue. The issue is as whether a misrepresentation was made to the materials and whether that goes to the heart of the credibility and whether this board can accurately find that he has in good faith responded, basically taking into question all of his representations to you and quote things like "honest engine" and the whole concern about the trees and everything like that.

- 2) I have a difficulty with the application. Obviously the misrepresentation of the Emergency Vehicle Access Plan. We were requested to dial up the application since the plan will not result in superior living or developing arrangement and

does not adequately relate to the natural environment.

I have included in the other materials a photocopy of a recent article from the Oregonian, "Designed In Harmony With Nature". In that there is a quote on the header, "Anywhere we could save existing trees, we did." I believe that if you go through this article and see what this developer did, this is really what Mr. Swan would have to do to meet the requirements to show a superior arrangement. And I don't believe the facts in this warrant this kind of consideration and therefore I request that you deny the request.

Specific reasons under the code for plan development and your hearings process: There has been an inadequate demonstration. He has the burden of proof to persuade this board that he has met all of the criteria. You need to show a public need and that it is in the public interest and I believe that if you review the materials that all of the neighbors and concerned citizens have submitted, you will see that several, there is just an overwhelming amount of concern for the adequacy and safety of not only the children along this road, but for the trees themselves.

I don't believe Mr. Dorse's analysis of the traffic is adequate. I fail to see any adjustment rates, for the fact that the road has no sidewalks or any really concern at all about the children and the school is almost directly opposite this plan. I mean, that is the real issue. It is not so much how much traffic is along Ramona Street, it is really whether it can withstand any further impact at this specific location and whether this really addresses the public need.

And the other issues would be the over impact of already existing mobile home parks for this area and whether, per the code, whether this plan is suitable for the property as compared with other available property in the other area. And I submit that there other more appropriate property for another mobile home park.

I would now like to defer my time to Mr. Chuck Weiss and he will finish off.

Chairman:

Okay, I will stop the clock there. There are 3 minutes and 36 seconds remaining.

My name is Chuck Weiss, my address is 13129 SE Ramona. What I don't understand here is this basic thing that is gonna go in here, or try and go in here. We are talking about 25 units and then the staff recommendation says maybe 22 units. They're comparing it with stick frame homes, where all the trees are going to come out. We are not here about stick frame homes. That property was for sale for two years and nobody bought any of the lots to develop it.

People out there want large lots. I tried to emphasize this before. I don't think we should be comparing the stick frame homes. We want it the way that it is, or to be developed on its own. We really feel, and I am speaking for the neighbors, and I have talked to almost every one of them that face Ramona, is not the deal of stick frame homes. It has nothing to do with this. This development goes in, the more homes, mobile homes and manufactured homes that go in there; the more that are put in there, the less our living environment in that neighborhood is going to stay the same way as it is. The more homes that go in, the more trees that will come out. I realize that the developer has the right to develop, if he gets the okay on this. But I, the opinions here seem to straying away from the fact of us residents that live in that neighborhood. We deserve to have it very livable the way it is. Everybody along there does not want what is happening and it seems like the concern here for the children walking along the street (we brought this up before) has hardly been mentioned by the developer here.

You can take all the road counts in the world, it has nothing to do with those kids that have to walk down this street from school. Road count or no road count, just because it isn't to the maximum amount of some traffic safety bureau across the U.S., it has nothing to do with it.

I thing we are looking past too many things here. It is the whole problem is the area. If you could look on page two of this revised Staff Report and you look at, there is a very large lot on Ramona Street towards the one end. Can you that it dwarfs the other lots the size of it. Hope everybody can see that. That is a 150 by 150 foot lot. That is probably the average lot size of our whole neighborhood. Now compare and look at all these mobile homes that are to be put in there. I don't have anymore words to say than that. That just shows you, this is what the neighborhood is about, is the lot sizes this size. So, I think the very maximum the developer should build, if this is passed would be not to go any further than the amount of homes that would be put in under LR5 stick frame homes, if I am making any sense here.

Chairman:
Yes, we understand.

Weiss:
I just wanted to make that clear. And the child, the kids have to walk down the streets. Their safety is so important and the traffic safety count, that has nothing to do with the safety of the children. So, I tried to make it short and sweet. So if you have any questions.

Chairman:
39 seconds remaining, any questions for Mr. Weiss.

Yes, the applicant has said that the mobile home park wouldn't create as many trips by automobile, which is where the danger lies within the children's passage. As what 20 of the home sites would be. In other words, homes have more cars.

Weiss:

Yes.

In that theory it seems like the mobile home would be a safer environment for the children than what the other would.

Weiss:

In that theory, and that theory only sir. I can't express the neighborhood - this property was for sale in LR5 home sites, in other words stick frame homes. For two years, nobody bought one of the home sites. None of them were sold. You have to live in this neighborhood. If people in that two year time have not, if not one of those lots was bought or a developer did not come in, they're not going to be developed in that small of a lot. I don't see where that is the... I understand the point. All of his homes will make less traffic than if you do shove 20 homes in there. I am saying 20 homes will never be put in there. It won't happen in that neighborhood. It was for sale for two years in stick frame homes and nobody bought one of those lots.

Chairman:

Okay, Mr. Engle

Mr. Engle:

Maybe you could refresh my memory real quick. As I recall on SE Ramona, were there sidewalks on both sides of the streets?

Weiss:

There are no sidewalks at all.

Mr. Engle:

So that is part of the potential conflict.

Weiss:

As far as child safety, yes it is, yes.

Chairman:

Okay, does the commission have any further questions?

Thank you Mr. Weiss. Okay that closes the public testimony and rebuttal portion of this hearing. Have a discussion deliberation from the commission.

Mr. Chairman, question. The last handout, not Exhibit A, but the last handout from Mr. Ringnald showed an actual increase in the number of trees of 6 inches in diameter or larger. They could be saved. Particularly with redesign or replacement of manufactured housing unit on Lot 3. Does this then become part of the

application before us, what was handed to us today.

Chairman:
Yes.

So, if we were to act, it would be for with the least this understanding. Mark, have you seen this.

Mark:
Is this the tree survey that you are talking about?

Yes.

(Other voice)
Both the tree survey and new design. Particularly looking at Lot 3, that corner lot and how it looks like five more trees are being preserved. That then becomes part of this application.

Mr. Chairman:
Question of the staff.

(Other voice)
My question was related to that. The normal process is applicant opposed rebuttal and then I know we had some new information. Then the opposition got to speak to that new information and I feel that I should be able to speak to what they just spoke to.

Mr. Chairman:
Yes, I think you raised a good point there. There was new information submitted under the rebuttal from the opposition. The information relating to the Fire Bureau. It is information we didn't have.

(Other voice)
It is rebuttal to Mr. Swan's statements before about the fire department.

(Other voice)
That is not new information.

Mr. Chairman:
Let us clarify what Commissioner Alsofi is referring to. Okay, we should get these conversations on to the tape here. The question is raised that there is new information that should afford the applicant opportunity for additional rebuttal.

Commissioner Alsofi:
I think that what it is, is rebuttal of some information previously submitted by the applicant and as far as the fire department, the Oregonian article could be considered new evidence. I mean, it seems a little extraneous. I don't think any of us are going to be changing our opinion.

Mr. Chairman:

In the spirit of our proceedings, we could reject receiving the Oregonian article as being extraneous and immaterial.

Alsofi:

I just don't see how the other is new evidence.

Mr. Chairman:

The correspondence with the Fire Marshall's Office is...

(Other voice)

It is our rule reject evidence, once you have already accepted it?

Mr. Chairman:

We have the opportunity to look at the submission and deem that it is irrelevant and immaterial or inappropriate.

Mr. Chairman, just a question. Would Fire District 10 have to sign off on this regardless of what we do...

Mr. Chairman:

Prior to building permits.

(Other voice)

That is correct. They would be required to review the Designer View Plan.

(Other voice)

The only issue before us, is the credibility of Mr. Swan.

Mr. Chairman:

And in terms of the material case before us, if the Fire Marshall's review to request that a redesign of the street provide adequate access for fire vehicles, that could alter the design and modify the number of trees that would be removed. So we are caught between a proposal that is submitted that shows a fairly good number of trees could be saved, but there is no confirmation of that design being accepted for Fire Marshall. So to deal with that uncertainty, the commission might consider approving the specific design approval or proposal that was submitted with the specific trees to be saved and no other. And if that doesn't work for the Fire Marshall, it is come back and take another look at it with the Planning Commissioner.

Hunt:

Staying with the applicant's proposal, that also staying in the frame of an LR5 zone where there would only be 20 lots, I have a proposal to the commission. And if you will take your map, third page of the Staff Report, eliminate Lots 3, 5, 8, 9 and 10. If you eliminate those lots, you would save your cluster of trees in that area. You could have access to lots 6 and 7 through Lot 5 and still save the trees. You would meet your LR5 zoning requirement

as far as the amount of lots that would be allowed. You would cluster your homes. I don't think you would have a fire marshall problem because this basic design has been discussed already. You would be just eliminating the lots where most of the trees existed. I like the idea.

Alsofi:

Well, one of the problems is the relationship of the size of the unit to the lot size. Just by excising certain lots we haven't...

Hunt:

You are creating an open space area which your giving up the size of the lot for the open space, which is, even staff mentions that you can do that in here in the report on page... Maybe staff would like to make a comment.

(Other voice)

I guess my comment is that you don't need to get to that level of specificity because condition number one, indicates that design review can modify the layout to save trees. If you want to call out an open space to save a specific cluster or if you want to increase the number of lots for the same purpose, I think that is all that you really need to do. And then as a part of design review, rather than say eliminate lot number whatever, that is my comment.

Hunt:

But I am just saying, that was an idea as far as, it can be done.

(Other voice)

Certainly you have that discretion, yes.

Hunt:

And keep an open space. Save the trees and keep in our LR5 zoning as far as....

Mr. Chairman:

Further discussion.

Douglas:

Yea, I think the applicant has demonstrated here a very good lot size as far as manufactured homes are concerned. In the fact that 38 could be put in here and he is willing to go down to 25. At least that is a step in the right direction. I really believe that the Fire Marshall is the one to say whether this should be reduced or changed.

Mr. Chairman:

I have a question for staff. Mark, could you clarify how 38 lots might be placed here as a mobile home park, is that an allowed use in the LR5 zoning?

Mark:

No it is not. I am not sure what he is referring to. He might be referring to mobile home park standards in MR3 or MR4 perhaps, which do allow smaller mobile home park space sizes, like 3200 to 3500 square feet. I am not sure where the 38 comes from. 28 is the number that we identified in the Staff Report as the allowable units under the PD provision of the LR5 district.

Mr. Fritz:

Under more discussion. The applicant's request that have basically waiving the 40% maximum space coverage, I am just wondering and I guess I am not compelled to do that and it would seem that it would give the applicant some choices, either to go to other smaller units which may not, is obviously what the applicant wants to do or go to a fewer number of lots and bring in the manufactured housing, that would meet a certain market demand in this size. I think by setting a ceiling, and I am not compelled to go to the 22 at all. I am actually, I actually believe that there was a justification for the original condition of 25 but if you keep the current code standard of 40% maximum coverage, that is going to probably knock this down. I think the economics will just bring down the number of units. I am much more comfortable with this most recent map showing what trees would be saved. I would love to save that other stand, but I think there is an argument to be made there. That under a development, for example under Exhibit A, that most of those trees could go. I think the arguments in the original Staff Report, I am sorry the conclusions in the original Staff Report was that the PD as condition the, well, in the original Staff Report then change from this one, the proposed PD overlay affords greater protection of the significant stand of fur trees on the property than does allowing the development with the current zoning.

(Other voice)

Other development in the current zoning isn't being proposed. It may not ever be.

(Other voice)

Or it may be proposed next month. I don't know how to save all these trees. I would love to stay with a couple more stands, and I don't know if it can be done. I am much more comfortable with the map submitted tonight; the tentative plan of Parcher Place than I was with the original map.

Chairman:

I would agree with that conclusion, that the tree plan superimposed on the layout that was submitted this evening appears to allow preserving 19 trees which was more that was shown on the map we got the application. Superimposing those same trees on Exhibit A appears to lead to the removal of more trees than in the 25 lot mobile home park proposal. However, the fact that the Fire Marshall apparently has not reviewed and commented on the access provisions, and having seen what the Fire Marshall requests in

other developments provide for adequate fire access, it appears that there is at least good likelihood that the lot layout would have to be reconfigured to provide fire access and could lead to the loss of more trees. We are faced with uncertainty it appears. I would be reluctant to impose an approval with removing only certain lots in certain positions and not allowing the applicant the freedom to redesign the best fit needs for the Fire Marshall and saving trees.

Mr. Chairman, can I gear that forward?

Chairman:
Yes, please do.

Would you suggest then, that there would be a condition additional, that should Fire District 10 require any reconfiguration of the street layouts from the tentative plan resubmitted to us tonight, that the whole matter must come back before this ---? Is that what you are indicating? I tend to support that.

Chairman:
That addresses many of the concerns raised. The neighborhood raised some very heartfelt concerns about the character of the neighborhood and traffic. I think the evidence submitted from the county traffic engineer as far as expected trip generations, the mobile home park would generate less traffic on the street than a conventional single family 20 lot residential development. It appears that the mobile home park would also allow for preserving more of the trees which at least in part creates some character of the area. The preserve of the trees would help maintain character.

(Other voice)
Could you sum that up please?

Chairman:
I think Commissioner Fritz is trying to put together a proposed motion.

Commissioner ?:
I am concerned that we entertained new evidence by looking at the letters from, that refer to the fire district. That we allowed in rebuttal, I believe. I am not county council so I am not absolutely sure.

(Other voice)
We ----- a rebuttal. And it was appropriate for a rebuttal, but I am not convinced it was a new topic.

Commissioner ?:
We have a letter from the Fire District, it is new evidence. I am just concerned.

Chairman:

Motion to reopen the rebuttal to allow the applicant to respond to allow one minute for the applicant to respond to the letter submitted from the Fire Marshall. The only date that shows on what we received was November 29, 1991 which apparently is a fax transmittal date. Mark, has the applicant received a copy of this letter?

Mark:

Not to my knowledge.

Chairman:

To clarify what we have here in the way of rebuttal, we received from Mr. -----, a reprint of the Oregonian dated October 20, 1991. We rejected that as being inappropriate, inapplicable and immaterial to the hearing. We did receive a series of 8 1/2 x 11 pages with a cover page dated 11/29/91 including memo from Portland Fire Prevention Division and additional copies of information which appears to be from the record on the case. Received dates, Multnomah County Zoning Division, July 9, 1991, August 2, 1991 and also included in that packet is a letter dated November 18, 1991 from Mr. Ludke to the City of Portland Fire Bureau. We also received from the applicant and the applicant's representative's three pieces of information. One being a tree survey plotted on the applicant's proposed site plan, second piece being the tree survey potted on the staff's Exhibit A and the third information being a memo from Donald Trotter tabulating the number of trees on the lots in the two proposals in the mobile home development proposal and the Exhibit A proposal - how many trees would be saved. Is this included in your motion. We open one minute for rebuttal.

Okay, further discussion on the motion to reopen the appeal. All those in favor?

I

Opposed:

Allow one minute for the applicant and one minute of rebuttal for the opposition. Are you ready.

(Other voice)

Ready set go. Mr. Ludke wasn't at the meeting that I had with Mr. Butcher and basically we talked about circulation and the location of the fire hydrants and Mr. Butcher said, "is this the final plan?", and I said no because it is all subject to design review. I says this is where I think we are, this is what I am going to submit. Said, "O.K." left. So that is what it was.

I would be real happy with any significant change in the fire department to bring the thing back because I believe it will stand

just like I turned it in.

Can I answer any questions. Thank you.

Chairman:

Is Mr. Ludke or a representative for the opposition available?

(Other voice)

I haven't had a chance to look at this.

Chairman:

Okay, the three pieces of evidence submitted.

Tape end....

...was to address what I felt had been a misrepresentation. If I were to explain why those representations were made to the board in the report, I would just simply go to Mr. Swan's letter to Mark Hess, this is the one dated July 30th, and it says: "This planning delay will cost somewhere between \$12,000 and \$15,000. I think the heart of that is that he wanted to do a quick and dirty job of this. What I am suggesting is that all of the representations regarding all of the soils and everything, the whole 9 yards be examined in light of this, what I consider this to be a blatant mischaracterization of the approvals and what had been submitted to Mr. Butcher.

Getting back to the tree issue and the site fill, we haven't talked about any of that.

Mr. Chairman:

That is the end of the rebuttal. Any questions for Mr. Ludke?

Okay, we have heard additional rebuttal.

Commissioner Hunt:

Most of the public testimony that we got on the previous occasion was listed on the background information. I am still concerned about allowing the 25 lots. I am not against the PD. I am just trying to get an idea from the commission, am I shooting in left field, or do you agree that we are talking about less lots?

(Other voice)

Let me put a motion out there to amend the conditions of approval and see what happens.

Mr. Fritz:

Mr. Chairman, I move an amendment to the conditions of approval in Condition #1, that the last line reads: Spaces may not exceed 25 units and would add a

Mr. Chairman:

Mr. Fritz, procedurally, we don't have a motion to adopt the commission they recommend the Staff Report.

Mr. Fritz:

Okay, I move to adopt the Staff Report. Under discussion, I would move an amendment to the Staff Report under conditions of approval to Condition #1, the last line would read: Spaces may not exceed 25 units. I would also as part of this amendment propose a new Condition #7, which would read: Should Fire District #10 require any change in the tentative plan of Parcher Place, Planning Commission approval of plan changes must be secured prior to any site clearing, grading or tree filling. That would be my amendment. I would like to speak to it if there is a second.

(Other voice)

Don't you also want to make reference to what site plan in particular that would potentially could be altered, what is it A or B?

(Other voice)

My understanding is the most recent tentative plan is the one that is now part of the record.

Mr. Chairman:

The one that we received this evening.

(Other voice)

As of 12/02/91

Mr. Chairman:

The date on that Exhibit is 6/20/91.

(Other voice)

That was my only point, just to clarify which site plan.

(Other voice)

Yes, it is dated 6/20/91, but it is received by this commission on 12/02/91.

Mr. Chairman:

Discussion of the motion to amend.

(Other voice)

I got into a little bit of my preliminary discussion prior to actually receiving a rebuttal. I believe the combinations of the tentative plan received this evening, 25 unit maximum along with no waiver on the mobile home park development standards and the code of a 40% maximum space coverage is, and a protection I guess, in case there is any changes coming from Fire District 10. It is probably going to guarantee a lesser number of units. I feel very uncomfortable, 25 was the original request. I don't have any compelling evidence to go lower than that, or more than that. I

think the justification, I mean the burden has been met, at least preliminarily by the applicant for 25 units in a PD.

(Other voice)

I don't agree with that. Yea, I don't believe it would result in superior living or development. -----

(Other voice)

I agree. I think we should go lower if we are thinking of approval.

(Other voice)

I would propose 20 verses 25. Can we amend the amendment?

Mr. Chairman:

Well, we have a motion to amend, it is proposing 25 units with a maximum 40% coverage.

(Other voice)

Personally I think it is a mude issue, because in fact, this is brought to the Fire Marshall, and the Fire Marshall goes, "well, maybe you can get 20, maybe 18." They are eventually going to end up right back where they started. Right here, we will be discussing the same issues. So putting a ceiling on how many lots can be developed at this point, I think is kind of a waste of time.

(Other voice)

The reason I am putting the 20 lot maximum is because that is what it would be for houses in LR5 zone.

(Other voice)

I am not looking at the Fire Marshall Proposal or any other proposal, I am looking at how many houses you could put on.

(Other voice)

But I am saying the Fire Marshall's acknowledgement of the plan is the final safeguard.

(Other voice)

Right. But he may not even allow the 20, I don't know. Me, as a Planning Commissioner don't want to approve more than 20/

Mr. Chairman:

In keeping with the underlying zoning density and character of the neighborhood.

Commissioner Douglas:

The only thing that I can see is that I hate to buy a pig in a ---. Actually you could say 20 there, but it hasn't been demonstrated to me that that could be fitted in there right under this proposal. I don't know, I would rather see something in front of me in writing. Here this is it, and if we don't want to accept this

tonight, let's not accept it and have them bring back something else. But I don't like to go on something that I don't know what it is. I feel more comfortable with what they have presented providing the Fire Marshall accepts. The one thing that I have in question is that by not allowing more than the 40% coverage, we may be putting substandard homes there. That I don't like.

Mark:

I just want to remind the commission that the fire district does not establish the density, that they are simply a reviewing body for the adequacy of the circulation and access.

Mr. Chairman:

Okay, further discussion on the motion to amend the Staff Report recommendation as described by

(Other voice)

Before I amend Mr. Fritz's amendment, could Mr. Fritz possibly change it so that.....

Mr. Fritz:

I am not going to let you off the hook....make your motion.

(Other voice)

Okay, my motion would be to change it from the 25 units to the ---- amendment

Mr. Chairman:

You want to make a motion to amend.

(Other voice)

Okay, I am not sure how I want to word it. I don't want to change the 22 units to 20 and on the design plan, instead of saying may be adjusted from that illustrated in this decision to preserve significant trees, design plan, um, must be adjusted.

Mr. Chairman:

Commissioner Fritz is the motion to amend which is what your motion to amend is addressing, as already proposed alternate language.

(Other voice)

I am going to withdraw my amendment...yea, my motion.

(Other voice)

You could move to amend my amendment to reduce my 25 units maximum down to 20 and just stop right there and see...

(Other voice)

...what happens. Okay, I'll just amend that.

(Other voice)

May I comment on that? The last part of Mr. Fritz's amendment is

to have no change on this particular thing.

Mr. Chairman:

We don't have a second on that yet.

(Other voice)

Also, if you change to the 20 units and you are referring to a plan that's got 25 units.

Mr. Chairman:

There was no second to Commissioner Hunt's motion to amend Commissioner Fritz's motion to amend. Okay, back to Commissioner Fritz.

Fritz:

Just a couple comments, cuz I don't want to repeat. I believe, regardless of whether set it to 25 or 30 units, 25 is what the request was for. That is what the plan calls for that we have been looking at. That the 40% maximum space coverage and any possible changes that Fire District 10 is going to make, is going to put it right back in front of us or is going to force the applicant to reduce the number of units.

Mr. Chairman:

Further discussion on that?

(Other voice)

Can I call for the question?

Mr. Chairman:

We'll call for the question on Mr. Fritz's motion. All is in favor of Commissioner Fritz's motion to amend the motion approval of the Staff Report, say I.

I

All those opposed: No

We have four to three. Seven voting. Commissioners Fritz, Douglas, Engle, and Leonard in favor. Commissioners Alsofi, Hunt and Atwell opposed. So the motion to amend the motion carries. Is there further discussion on the motion to adopt the Staff Report as amended? All those in favor of adopting the Staff Report as amended.

Mark:

If I could make a suggestion before you vote on that; that you delete the recommendation in the front there for denial. You need to make a decision one way or the other as far as which recommendation you are going to take.

(Other voice)

It was initial motion to adopt the Staff Report to approve with conditions.

Mr. Chairman:

And delete the paragraph referring to denial.

(Other voice)

We voted on the other.

Mr. Chairman:

Who was the second? Commissioner Engle.

Okay, you agree that is what you were seconding? Back to the question. All those in favor of adopting the Staff Report, as amended, reply by saying I.

Opposed: No.

Okay, Commissioners Fritz, Leonard, Engle and Douglas in favor. Commissioners Alsofi, Hunt and Atwill opposed. The Planning Commission has recommended approval of this request. This recommendation will be reported to the Board of County Commissioners at the next available hearing for planning matters and the appeal of our decision must be filed at the Land Development offices no later than 4:30 p.m., 21 days from today.

(Other voice)

A PORTION OF THE PLANNING COMMISSION MEETING
OF OCTOBER 7, 1991
PD2-91

Case: PD2-91
at 13303 SE Ramona St.

Good evening my name is Mark Hess, with the Planning Staff. This proposal file no. PD2-91 is a plan development overlay in order to develop a 25-unit manufactured home park. The location is 13303 SE Ramona Street, the applicant is Charlie Swan. The criteria for approval, as you know I need to go through those for the record. Listed for you beginning on page five of the staff report. The properties owned LR-5 which is a low density residential zone and mobile home parks are conditionally allowed in that zone as a plan development and the criteria for approval of a plan development are found in a 11 15.6206. Planning commission action on a preliminary development planning program shall be based on findings that the following are satisfied:

1. The requirements of MCC.8230D3, which is referring to applicable comprehensive plan policies.
2. The applicable provisions of MCC11.45, which is the land division chapter.
3. That any exceptions from the standards of 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. Those purposes that they're referring to are the plan development overlay purposes.
4. That the system of ownership and the means of developing, preserving and maintaining of the proposal.
5. That the provisions of MCC.6214 are met, and that is referring to the relationship of the plan development to the environment.
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 which is referring to staging.
7. The development standards of MCC.6212, which is referring to minimum site size for plan developments, .6216 which is referring to open space improvements in plan developments and .6218 which is referring to the density computation.
8. Says that the purposes stated in MCC.6200, again that is

a reference to the purposes of the plan development subsection.

9. That the modifications or conditions or approval, that you may impose, are necessary to satisfy the purposes of MCC.6200 the plan development overlay.

Going on, I've also identified a couple of other ordinance section that apply to mobile home parks and they are item D there on page six of twelve in the staff report. It says that MCC. 7715 applies to mobile home parks in LR5 districts and 7715 provides a number of development standards fencing, minimum area of manufactured homes lot homes, etcetera, etc.

The review of the proposal begins on page seven of twelve and we have found the proposal consistent with the criteria for approval subject to four conditions which we have identified for you on page four. The conditions that we're recommending to you are first that they obtain designery approval prior to any sight clearing or tree removal. There is a significant stand of fur trees on the site which we are hoping to maximize the preservation of and the plan which you have does indicate some of the trees which they had proposed for saving. It does not tell us what trees are coming out and I had requested that this part of designer view, the trees coming out should be identified as well so that we can a determination as to how good of job their doing in preserving those fur trees.

The second one is indicating that any right of way improvements be completed prior to issuance of placement permits for --- manufactured homes. Right away improvements would be to SE 133rd Place, which is the street running into the sight off of Ramona and to SE Ramona Street as applicable. The Engineering Services Administrator, John Dorst, has not made a call yet as to what improvements would be required on Ramona if any. If that condition is recommended to use so that discretion remains with Engineering Services.

Third, is they complete lot line adjustment procedures. There is a lot line adjustment that is part of this proposal at the S.W. corner of the site they are adjusting the lot, which is indicated on their site plan, taking the rear portion of the lot and including it in the plan development overlay.

Fourth, is as I was referring to earlier that the designer view plans and the subsequent placement permits would need to demonstrate that they comply with the development standards for mobile home parks and that is again referring to the minimum site size for their homes which is 800 square feet, minimum roof pitch of 212, fencing around the perimeter and so on. So those conditions are just putting the applicant on notice that they would need to complied with as the manufactured homes are placed on the

site. I have slides, if you care to see them.

Yes, I would like to see them.

This is a view of SE Ramona Street. I'm looking to the east. The large fir tree on the left hand side of the slide is right where 133rd Place would be developed. There is an existing right-of-way there but it has never been developed. The developer here would build the street essentially from Ramona northward in to the site, just past that fir tree.

That same fir tree is on the right-hand side of the slide here and this is looking to the west on SE Ramona Street. As you can see this is called a rural road section, meaning that there are no curves or sidewalks, gravel shoulders, two lanes, its basically flat.

This is a view looking into the site where 133rd Place would be developed. You can see some of the large fir trees that are standing roughly in the center of the property.

This is a view northward. There is an existing house just outside the slide on the right hand side. There is a house on the property that would be removed.

This is the cyclone fence which is at the northwest corner of the sight.

Another view, this is a house existing to the very far northwest corner. Alot of the site is open, so it is not all in fir trees, but there is a big swath where the fir trees dominate the site.

This is a view looking out to the east over the center open area on the site. That is Powell Butte in the distance.

Another view on the site. There are some goats and this is the pen that they are in.

I believe that this is the little barn or the little house, there is a small barn and a small house on the property that would both be removed. I think this is the house in this picture. This is the house that would be removed. It is located on your site plan, when the lights go back on, it's on roughly space #23 near the southwest portion of the site.

This is the southeast corner of the site looking over some of the weeds this is the building in the distance is off the property. That's poorly exposed but I'm trying to show some of the houses that are just to the south, facing on SE Ramona Street. So this is sort of the southeast portion of the site.

Another house also facing on to Ramona Street. And again you can

see some of the large firs that are located on this property.

This is another house, which looking at it from SE Ramona, which is on the southeast portion of the site. Another neighboring house to the southeast also facing on to Ramona.

I think this is my final shot, it is looking to the north; I am in the eastern boundary. There are blackberries in a swail area in the foreground and then the area in the distance is north of the former railroad tracks which is now called the Springwater Trail. The trail parallels the north boundary of the site. It is an abandoned railroad track that now Portland Parks Bureau is now responsible for, I believe. I think that completes it.

QUESTIONS FOR STAFF:

Commissioner Hunt:
Where is the school located?

Hess:
The school is located southwest of the property on the south side of Ramona. You can see on the map on the back of the front page. It is on the lower left side of the map. That's Gilbert Primary School. Further down Ramona to the west a few blocks is the middle school as well.

Could you describe the topography of the site?

Hess:
It's basically flat.

You mentioned a swail and the Springwater Trail as part of the old Portland Tracks that's turned into the 40 mile loop trail.

Hess:
That's correct.

Johnson Creek. Is this within flood plane distance?

Hess:
No, this is above the flood plane by approximately 30 feet. As you can see from the contours that are indicated it is roughly 240 feet elevation. The Johnson Creek flood plane elevation is around 210 or 211. So it is not real approximate to Johnson Creek at this location. There is a swail area right around the east boundary that was kind of hard to get a real good view of but there is a little ditch that runs along that northeast boundary and it drains to the north towards the old traction line.

That southwest boundary of the PD which runs due east and west is taking that rear portion of that lot which runs on to SE Ramona. So it is adjusting that lot line, making that lot smaller and

adding it to the PD side.

Mark, I also had a question on pg. 9 on the issue of the school, it says that the proposed layout maximizes safety, and I just wondered if you could explain a little about that? Does that have to do with the entrance?

Hess:

It has to do with the rectilinear patten of the site in terms of having a grid pattern, you know it doesn't have obscured site lines. There is no hidden lines through curving streets and so forth. He's proposing a lighting system and so forth. It will be a safety for the future residence of the site.

Commissioner Hunt:

Pg. 10-12 on the staff report, number seven where you talked about ----- . Does that include the roads that would be on that property?

Hess:

No it doesn't. In terms of the density computation.]

Hunt:

Yes.

Hess:

No there is not a credit or a subtraction made for the roads. It's simply the gross site area is divided by the minimum lot size of the zone, which is 5,000 square feet to arrive at the total allowed number of units for a PD, which is kind of odd. But, that is correct, I double checked that and there is no deduction made for roads.

Any other questions? Does that conclude your staff report?

Hess:

Yes.

Thank you.

Is the applicant or the applicant's representative here?

I'm Charlie Swan, the applicant. My address is 1182 SE 36th, Milwaukie. Phone Number: 654-5313.

In order to keep this as short as possible, I would like to say that Mr. Hess and I have worked very closely on this and I concur with his staff report and his findings. I have no objections, so that makes that part real easy. We don't have any argument. There are a few things I would like to touch on additionally that have come up since we have done most of this paperwork. So, if I have your permission may I go ahead with that?

Certainly.

Okay, just as a little background, I like to develop these small properties because I keep them. I don't develop them and sell them. That only means that I generally spend a little more money on them than I would if I was going to develop them and then fill them up and sell them to somebody else. I generally keep them.

Another thing in the way of a quick broad outline for clarification. I think that we have three different items here and I want to make sure that everybody is thinking about the same thing. As time went by there were trailer parks, and I think we all have a vision of those, then we had mobile home parks and they were these things with these metal sides and flat tops and so forth. Today we have what I tend to call manufactured structures, which is a term the legislature used and I think I included some photos in the packet of the project we just finished and filled up in Troutdale. We are quite pleased with that project, we think it looks very good.

So anyway, we're talking about manufactured housing as I see it here. Again, just as background, when I look at a property to see whether I think I have any interest in developing it. I always look the area. I like this area. I walk the land to see what's there. This area had been pretty nicely cleared so you could get all over it. The blackberries that showed up in the photos were primarily on the next properties over, not entirely, but mostly. So, as I do this, I keep quite a watchful eye out for anything that looks like it could have been used as a dump or massive fill or something like that. If you run into those, then we have a financing problem. I can't finance the property and people that live in the home probably can't finance the home. To dye grass a little bit on the difference between trailer parks, mobile home parks and manufactured housing. Trailers, financing was available for people was primarily through a mouse house or something like that. If you could borrow money on it, it was really high. Mobile homes would begin to become some conventional financing available. For the modern manufacturer housing, 25 and 30 are financing is completely available through FHA sources, all sorts of conventional sources. So, in the eyes of a lender they consider these permanent housing. Less than 2% are ever moved.

Back to checking out the land, as I went through the land I didn't see anything that said to me, "wait a minute there has been a dump here, I don't want to go further with this thing." It looked to me like it was clean.

Mr. Hess reported to me a little later on the one of the neighbors had come in and said, "well, there was a dump there at one time." Gee, well I didn't see it and Mark and I walked the property. So I went back out and took another look and I still didn't see anything that indicated that there probably was an illegal dump

there of any sort of significance. I checked with John Parcher who was is the son of the seller and who has been around all the time. And I asked him, I said, "John, it has been reported that we've had an illegal dump here, what do we have?" John said that when they bought that portion of the property, and I'm still not sure where the illegal is suppose to be, I haven't figured that one out yet. He said there was substantial amount of household trash, old refrigerators, old appliances, clothes. He described purses, one of the purses which had money so forth and so on. According to John Parcher, and I can get an affidavit to this. He says that he loaded out about five dumptrucks of trash and hauled them off the property. A little time goes by somewhere around 8 or 10 months and the Natural Gas Company came through laying new lights and they had some of the stuff they were digging out of the trenches that they needed to get rid of. They asked John if he had any need for any. He said, "Sure, I can take some in the back corner of the property." So he took some according to him and they spread out with a tractor, I don't know, 5, 6 7 years ago, a while back. As near as I can find from talking to him, the fill-up might be a couple of feet thick, as far as I can tell. The fill that went in there was not engineered. It was spread out with a catipillar tractor and driven on top of. Whether there is more fill there or whether there is the stuff buried that I don't know about like, I can't really tell you. And it's probably not more important to anyone in the room than me because if I'm going to own this thing six or eight years from now I wouldn't want a building settling down into a void that was created by improper fill. Anyway, that's what I know about the fill in response to the letter that was turned in here.

Moving on to a traffic concern, I received a letter from a school district that spoke to traffic concerns. I did a little research on my own. General traffic information from the Institute of Traffic Engineers, your probably more familiar with it than I was. I discovered that a typical single family generates about ten trips per day. Low-rise apartments generate about 6.6, Condominiums generate about 5.2, and Retirement Centers generate about 3.3 trips per day. Well my guess was that this type of housing would probably generate about four trips per day. The project we just completed in Troutdale, our typical tenant is 62 years of age, it's a couple. We have 26 units there. There are six children, all of which are pre-school, there are none in school. That's it. It seems to be pretty typical. Since we have built that park there has only been one unit sell. It went on the market and interestingly enough it went up about 2% a month in value per month from the time the gentleman owned it until he sold it. He was a young fellow and the people that bought it were a mother and son and they were 55 and 70, something like that. So anyway, less children. That is sort of the typical tenant we are looking at out here. The elementary schools concern about the traffic, when I received that letter I see that the principal there of Gilbert Park Elementary School, Dick Saint Claire, had indicated his best guess

that it would generate about four trips a day and that was about what I guessed so I don't think anybody really knows, but that is about where it is.

So, continuing on with speaking to the traffic situation, I think what I'm proposing is less than maximum density if it were built all the way out why then it could go to 28 homes and if it were 28 single family houses that would generate about 280 trips a day. My proposal would generate about 100 trips a day for a third as much traffic. So I was kind of surprised that the school district should have opposition to this because short of zoning or putting a moratorium on the whole area for building, I don't know where you are going to get a proposal that actually has less traffic. Then, my last comment on that particular point is probably completely just a personal observation but the principles concerned was you know the speed of the traffic down the road. It has been my observation that any time you build a wide road, cars go faster. Ramona is quite a good little street, but it is not very big. I was over there this morning when school was taking up just to see and I though the traffic was completely reasonable. So, for my tenants I would want it to be a safe operation also. Our proposal would simply come out on 133rd Place and then 133rd Place would dump into Ramona.

Additionally, I spoke with Dr. Ron Russell of the David Douglas School District and he said he had reviewed the proposal and he said that the David Douglas School District was prepared to deal with the influx of students, whatever it was. I was also suppose to speak with the Sheriff's Office and confirm that the area was patrolled. I went out and spoke with Mr. Bob Wayland and showed him my project and he confirmed that that area was patrolled. And I asked him if he felt like there was anything to do with this proposal that could be a special problem to him and describe the six foot site obscuring fence that would go all the way around and so forth, and he felt like there wasn't any particular problem with it.

So that completes what I have to say to try to make it as short as possible. Does anybody have any questions they would like to ask me?

Any questions for Mr. Swan? Before we get to the question, I'll note that Mr. Swan did stay within his 10 minute time limit.

Well, thank you, I didn't time it. I tried.

I'm not real good at reading maps, so tell me, how will lots 22 through 25 gain access? Is that directly off of SE 133rd Place on a 20 foot road?

Swan:

Yes, this is off the 20 foot access there, correct.

The other roads though appear to be about 32 feet.

Swan:

Yes. If I could expand it a little bit, Multnomah County requirement is that this proposal line-up at the state requirements. The width of roads line up completely with all the state requirements. The state has two different road widths, one that is narrower than what I have proposed and does not permit parking on even one side of the street, and I've selected the more deluxe model.

My second question is how will the property be marketed? Are we talking about 55 and over crowd or are you going to market it as a family park? You know that you eluded to the fact that you another park that has a largely elderly population so I'm assuming that that market is what you are targeting for this property as well.

Swan:

The Attorney General's Office takes a very dim view of targeting no kids. When we marketed the last one the market acceptance of the small property encircled by this fence and so forth was just fantastic, I mean all the sites just went away immediately. We made absolutely no effort to screen for older people, younger people, no kids or anything. That is just the way it came out.

But didn't you state 60 - 70% of the people that typically buy...

Swan:

The typical tenant is 60 years old. And what I'm finding is, we're finding more and more people come in there because this product has improved so much. And there is a lot of people that are now living on a 10 or 20,000 square foot lot and they are sick to death of having to maintain it. They like the small lot. They like to go to Arizona for the winter. They like the proximity of some neighbors that are staying there. It's becoming a whole different crowd of people that are in there. Yes, it is affordable housing by today's standards. It is not quite as affordable as trailer houses, not quite as affordable as mobile homes, but it has real sheetrock walls, real oak cabinets and all that stuff.

I am very familiar with the product. I recently completed a similar sort of study down in Junction City and it really opened my eyes in terms of where the manufactured housing community has come in the last ten years but I have two other issues too real quick. How did you resolve the density issue, I think permissible coverage is 40%.

Swan:

Oh, as far as each space is concerned?

Right.

Swan:

I asked that permissible density be increased to 50% coverage rather because our standard product today is 24 by 60, if there is such a thing as a standard product. I don't like 10 foot wide car ports, I think they look a little cheezo. So we built 12. So we have 12 by 40, so you wind up with a typical house and a 2 car port and a storage shed because my regulations permit no outside storage of things. You can't do a body shop in my park and live there. I like the larger coverage and the existing Multnomah County coverage would prohibit me from putting the house that is most typically accepted in the market today. I had none of those problems in Troutdale, it is just that the 60 foot house was the typical house. It's three bedrooms, two baths, nice house.

The last issue I had, do you have any ideas how many fir trees are over 6 inches in diameter and how many of those you've saved with the sight plan that you have provided to us tonight.

Swan:

Mr. Ringwald, our engineer and surveyor are here. He brought up his new toy that cost a lot of money that can identify where things are and he and I and his head surveyor went out there and I stood around and was amazed at while they measured where all these things were. So we actually measured every tree on the site for diameter and put it down exactly where it was. We then pushed some lot lines around a little bit and the proposal you see in front of you is a product of that. Mr. Hess asked for a copy where the trees actually were, I gave it to him today. We're probably going to remove, the way this stands, roughly a little less than half. The trees that are there are mature and gorgeous and I want to keep as many of them as I can.

Commissioner Alsofi:

I have a question, I read what appear to be contradictory comment in the page four report. It says that it is going to be maintained in private ownership in the house sites rented and then later we talk about buyers. Now are we talking about individuals buying these?

Swan:

Oh no.

Alsofi:

Then why do I see the term "buyers"?

Swan:

Okay. The plan is that my wife and I will retain ownership of the property and rent them out. The people that then buy their own home and place it on there. I do not buy the home and rent it to them. They buy their own home and maintain it. That is why I use that term "buyer". I might mention too, that of this group of people that are "buying" their own home, about half of them pay

cash. So it is not like somebody is crawling out from under a rock with \$2.00 trying to find a super cheap place to live.

Further questions?

I have a question related to the 40% lot coverage. That wasn't addressed previously but that would require our consideration of changing that standard if the commission found that it wouldn't be appropriate to raise the density or coverage to 50% and wanting to maintain the 40% coverage standard. Would you want this project approved in this form, or would you want to redesign to provide larger lots?

Swan:

Because it takes so long to do one of these, I'd probably say, "well let's go ahead" even with the smaller houses. And what that would accomplish would be that we would have a lower quality product all the way through. I mean I can still rent it in a minute. It's easier for me to say, "Okay, we'll do that." But Mr. Hess and I had some pretty conversations. I fight really hard for things that I think would decrease the quality of the project that I'm trying to do and I think 40% coverage would really hurt it. I would not be as happy with it as I would be the 50%. But I would like to be able to have the people put the home on there that is the most accepted by the market. I might add also that a typical "mobile home" manufactured housing lot is 4100 square feet. These run 4700 top 4900. So we're not talking about jamming them in. And it is also one of the things that the tenants generally like is the smaller lots. And they like the 12 foot car ports, and they like the sheds, and they like the 60 foot house, they don't want a 44 foot house. Those that do buy them. So I would much prefer that you said okay on the 50% coverage.

If the 40% requirements left in with that result in retaining a few more fir trees?

Swan:

I don't think that it would make any difference at all in the trees.

What kind of coverage do you have in the Troutdale project?

Swan:

Oh about this, about 50.

Well my concern was that I tend to agree with your assessment, that the lot coverage ratio is a little too restricted. I actually, in my research I would tend to agree with you in that in fact what we are doing here is actually discouraging mobile home development with that kind of a coverage. I really don't have a problem with the 50% coverage. I know it is not in compliance with the current county codes but maybe that is an issue that we need to take a look

at or direct staff to take a look at.

Okay, any further questions for the applicant?

Okay, thank you. Is there anyone else here who would like to testify in favor of this proposal? Is there anyone here who would like to testify in opposition to the proposal?

How many people here are wanting speak in opposition of this proposal? Do you have a designated spokesperson to present an overall position for your group?

I think there are a few of us who want to touch on the major points.

Okay we have our time limit. Whoever goes first, if you could present your major issues and then other people who would like to add additional new points, we would appreciate it if you don't just get up and parade the same issues and concerns.

My name is Joe Medley and I live at 2383 SE 152nd in Portland, and though I have talked with Mr. Swan and Mrs. Blackwell I never received official notice of this meeting, so I am glad that I am here, partly because I was buying the property that I have adjacent to this tax lot 587, on a contract from Mrs. Blackwell apparently she received a notice but I never did. That lot has since been paid off.

The points I want to touch on I will do as quickly as I can. The issues why I speak in opposition to this development have to do with lot size, safety concerns, the need and character and environmental impact and I'll go through those really quickly. I appreciate Commissioner Hunt's question regarding streets. I myself was puzzled how these lots were referred to both in the staff report and the proposal as 4900 square feet when a little bit of simple math showed that 12 of the lots were under 4500 square feet, there were only two over 5,000 and only six that were 4900 or larger, and that's because apparently the streets are incorporated in the lot size which increases the density in the neighborhood.

I also stand opposed in the proposal to increase lot coverage to 50%. I think that just means that you can put more houses in a smaller space. If you can put a bigger home, you can put a bigger home in a larger lot if you had less lots to put it there. I understand the developer is asking for variances to allow him to do that, however I believe that a variance should not be dictated by the design of the development, but a variance should be dictated by the inherent qualities of the land and there is no need for that variance if the density is reasonable. As far as safety concerns, it was interesting to talk about the traffic only being 100 cars a day, but what time of day is that traffic going to be going through

Ramona Street? Will it be going through during school hours when there are children on that street and already heavy traveled street during the times when children are going to and from school with no sidewalks and I am concerned about that. I have no problem, as was pointed out with the safety in the development. That doesn't worry me at all, but I have a great deal of problem with the hazard that it proposes for the street outside the development. There were references, I didn't hear too many in here but to how this would fit in with the character of the neighborhood. I want to make it perfectly clear that I personally am not a Nimby. I am sure that you know what that means if anybody else doesn't, it's not in my backyard. I have no opposition as to high density single family dwellings. I bought in this neighborhood, less that three years ago, when there were already well over 100 mobile homes within 1/2 mile radius of this site. There was also a proposal with 117 more to be developed within the next year on 136th and Holgate. The difference between those sites and this one is that those are on streets that are capable of handling high traffic. Holgate, Foster, 122nd. Ramona is not such a street and Ramona is an eclectic little street. We have low cost homes and expensive homes. We have a variety of things. To bring homes of this nature isn't a problem but the choice of the site, I think is of great concern. As to the trees that have been eluded to, I've looked for a spotted owl, but haven't found one. But there is a fine growth of trees there that would disappear. Not all of them, but a few, quite a few as a result of this project. The services of an arberoust were referred to in the staff report as a possibility. I would urge that be considered mandatory before any development was done on this site.

As to environmental impact, I too want elude to the dumping. I am not just satisfied with the seller saying that "well, I took care of that problem." I think what this calls for is an environmental audit of the property to make sure that it is safe. That area, though it may be 30 feet above the flood plane has a very high water table, to the point that I was informed by the next-door neighbor to my lot, that a creek was discovered under the street when the sewers were put in last year. I think a sight like that could propose a potential environmental hazard.

That's just about it for me. I only have one final request, and I would request that according to Oregon revised statute 197763 that the record remain open for seven days in pursuit with that statute so that other written comments may be submitted. Thank you.

Questions? Thank you.

My name is Chuck Weiss, I live at 13129 SE Ramona, on your map there directly on the west end of this area. I and three other neighbors live on the west end, you can see a little street that has been, pardon the expression, "punched" in there, and there is lot 1, 2, 3, 4, 5 and 6. I live in lot 2. I own lot 1 and lot 6

and we have neighbors in lot 3, 4 and 5. I am not very good at this so if I mess up just ask me questions. I am quite nervous also. So we are directly west. I have some pictures. First off, I have a from the David Douglas School District addressing the safety concerns for the children. This is a, a lot of people have concerns against this.

We did receive a copy of a letter from Dick Saint Claire, the principal, and we also received a letter from you, regarding the solid waste on the site. We did not receive a petition.

Weiss:

Yea, that's me.

Okay, this is a petition with all the signatures. These are people that are opposed to this, quite a few neighbors in the area. These are some pictures here that show the street just so you can all see them. It shows a little housing area where we live, as I just described, and shows some other pictures that might be of interest.

The gentleman that just spoke, I haven't met him previous today, he touched on a lot of the stuff that I was going to bring up. The thing I am most worried about is the property owner adjacent to the east end of this proposed development, and he happens to be here to tonight, can speak about probably years and years of garbage dumping on that end. Now what it was, this was a very rural area, a lot of old-timers etcetera. And apparently they dumped their garbage for a lot of years on the east end of this proposed development. Two years ago, in the summer of 1989, when the sewer was put down Ramona, I believe it is John Parcher, who owns this area that is the developer's buying it from. There was approximately, and this is a minimum 50 truckloads of topsoil, whatever you want to call when they fill in, put over where this has been dumped into for a number of years. It doesn't seem to have a lot of standing so far tonight, but I am real concerned and that is why I wrote that letter. And there again you can see that I am not really good at making the right terminology but I'm concerned about it. I just wanted to bring that up again. I think it would be absolutely ridiculous if anything was let go any further until somebody at least got in there, I don't know how they'd do it, take soil samples, have something completely checked out because I know the developer doesn't want to waste his money on a possibility on something coming back through later years from now. Okay, that is probably my largest concerns.

The other is the trees. I look outside my house and I can see a lot of these trees. There is a huge amount of adult 50 to 200 year old trees. Going by what I have seen, in my opinion, I think maybe close to half of them are going to have to come out of there studying it the best that I have. I think that is totally unacceptable. Granted, stick frame homes the trees would have to come out too, but that's not what we are here about. We are here

about the developer wanting to put a plan development of mobile homes in there. So, I just want to make that clear so that people don't get a stray in their mind, they're thinking, "Well it is going to be developed sooner or later, the trees are going to go." I am not concerned about that. I am concerned about this plan development that is proposed going in there. And if anybody has any questions, just look at these pictures that I've sent and you saw the slides here. There is a lot of open space there, but a lot of those trees are going to go. They are going to be gone forever.

Another thing I am concerned about is the safety of the children in the street. You cannot realize unless you are out there at about 8:00 or 8:30 a.m. or 3:00 p.m. in the afternoon. You can't realize the safety of these kids going up and down the street, and realizing again, sooner or later that somebody might develop this area and cars might go in and out of the road there, in my opinion, all of the lots in that area, even though it's LR5 the houses are on very large lots in that area and there will not be as much traffic. I am concerned about these kids walking up and down these gravel side streets (the ones that don't take the bus). On Ramona between 128th and 136th, that is where is stops, Ramona goes in between, there are 38 home sites along there, only seven of them have small lots. So I am just trying to give you an idea of how large the lots that most of these people have. So, in my opinion, although I am not against mobile homes, I am not against development, if this particular project gets shoved in there, it is not going to be at all in the character of the rest of the neighborhood. Now I can't help it that it is LR5, I realize that, but the rest of the neighborhood, by in large is very large lots. On the other, probably 1/2 block from the proposed development is the grade school. Behind the grade school three years ago they put in a very large mobile home development. They blocked the access of that development on to Ramona. I was here at that three years ago. So what I am trying to get across, is they would not let the mobile home park that went in three years ago access on to Ramona for fear of the safety concern of all the kids to the school. They absolutely would not do it, they stopped it. So this is the same basic principal only it is about a block away, what they are trying to do now. My deepest concerns on those areas. The livability of the neighborhood from what I was told has a lot to do with this. I talked to Mr. Hess, I believe it is, down at the Planning Commission. He left, he was here; privacy issue and the livability of the neighborhood. I was told are two large issues that might have some thought to bring up and then I'll get this done. And the only thing I have to say is, there is nobody that knows anything about the livability of the neighborhood or the privacy except us neighbors. A proposed developer doesn't know. He doesn't live in this neighborhood. And this will create a lot of negativity for the livability and privacy of this neighborhood.

I hope that because I brought up the trees and the garbage area, I hope that this will be looked into before any decision is made by

you folks.

Also I have one point to make that the developer said that probably the medium age would be 62. Well, the mobile home developed that was one block away, that is basically the same thing they told us when I was here testifying three years ago. I have been up there 75% of all the people that live up there are family people with kids. I'll try to get back to the subject of kids on this narrow little street. So, as much as we would like to believe that maybe it might be retirementville or whatever, it is not going to be that way, not when it is that close to a school. People are going to buy those, they are going to move in there and they are going to have their children so they are close to the school.

Okay. And I have probably taken up enough of your time. I had other things but I I am not going to leave. I was just trying to get it out as fast as I could.

Commissioner Hunt:

On the photos that you took, the photos that have the school buses on it, is that Ramona Street?

Yes, I'm assuming that it is probably in the morning. It says a million things right there, just the pictures do.

Questions:

With regard to your petition, how was that explained to people who were signing the petition. The petition, as I read it. The people who signed it are opposed to the development. Why are they opposed to it?

The main concern, is the children. Like I said earlier, it is both sides of the fence. Sooner or later there are going to be more homes in the area. I am not denying that. But in my opinion there are not going to be that many homes in that density. So, later there is going to be more homes but they are not going to add the amount of children and the amount of traffic on that small little street, which, three years ago they blocked the entrance from the mobile home park on the other side of the school not to go on Ramona, they absolutely blocked it.

A safety concern. That is the way it was described to people?

Mainly we were very open minded about it. We just told them what was going to take place, if it went through, and that was the issue.

Door to door?

Door to door, talked to some people in front of school.

Okay.

The second question, I have for you is you made a point and I would like to have you restate that. How many lots from what distance to what distance?

Okay, Ramona Street from 128th to 136th, it only goes through that far and then you have to go right or left on 136th. I think it is probably eight blocks. Okay that is the area that these kids and the buses and the cars all travel. And this proposed development is approximately in the center, a little bit over from the center. Okay, what I did was I went over and counted all the houses that were on small lots. There were, I am going to say 38 homes, I might be off one or two. This is facing Ramona, okay, only seven of them are on 5,000 to 7,000 square foot lots. I am trying to compare it with the lot size he is going to use. The other 30 some homes are all on 10,000 square foot or larger, in some cases huge lots. The lots run narrow here. Your home can be in the front and the lot runs way back. It is very rural out there. I was just using that as a comparison showing how in future development, in my opinion, people are going to continue to develop and they are going to put homes on large lots and they are not going to add quite as much as this plan development.

The reason I asked is because I just want to get some idea of the density. So, basically you have said 38 lots between 8 to 10 block distance on Ramona.

That face Ramona on both sides. And only seven of them are very very small.

Okay Commissioner Douglas: I understand you live in lot #2 in that development off to the west. You also own 1 and 6?

Yes I do.

What size is your lot that you are living on now?

Okay the all six lots of this area, the back two you can see are a little bit larger. The front four lots are 12,000 square foot. The back two lots, if I am not mistaken are around 15,000 square foot, 19,000. And those are some of the smallest lots in that area by comparison is that little street that we are on there. There are several lots like I said that are 5,000 to 7,000 square foot up and down Ramona. The area is very rural, very forced so to speak, huge old trees. It is hard to...well the pictures that Mark Hess showed the density of it and how some of the land is spread out.

I also noticed here that a lot of the signatures here on a 135th, 134th, 152nd Street. Those are all impacted 145th, Playbell.

You will probably find that about 50% of those signatures are people that live right on Ramona and the others are surrounding

neighbors in the neighborhood that have kids that go to this school.

Commissioner Hunt:

You said are other mobile home parks or manufactured homes close to this area. Can you give me an idea how much impact is in that area?

There is a very large, I am going to guess, I think about 70 but I'm real close unit park, as you are looking at your map with the proposed area here, the school, Gilbert Park School it says is right there. This area up in here is a very large part. Okay, they wanted to access on to Ramona three years ago when they were building this park and the neighbors, a bunch of us came down and we tried to fight that. We did get it so they have to access on to Foster.

Commissioner Hunt:

So there are about 70 homes?

71 I believe, but don't quote me on that, within a quarter of a mile.

Commissioner Hunt:

Is that the only one?

Within one mile, there are -----tape ends

Okay, all those in favor of the motion to continue the hearing for ten minutes of rebuttle to each side and final action to November 4th at 6:00 p.m. All those in favor of that motion

I

Opposed:

No.

Motion fails. Further discussion. Further motion.

I move that this matter be moved to our regular December meeting and that the record remain open for written evidence for a period of fourteen days.

What is the date of December meeting?

December 2nd at 6:00 p.m.

Is it required that we have a time certain, that we have a date certain?

The rules says date.

I second the motion.

Okay we have got a motion in a second. Discussion on that motion.

I personally don't think that it is necessary for written comment to be fourteen days, but.....staff asked, they are included in that.

I would ask the commission to consider if we are going to leave the action go for another 60 days that we give both sides a little longer time to gather written evidence. There is no rush to get that closed in fourteen days if nothing is going to happen for 45 days after that.

Why couldn't we have like a November?

I would be glad to listen to a suggestive date from the chair.

Well if were not going to hear this until December, I suggest that we leave the date for submitting additional evidence open at least a month here. Till November 7th.

It would be 4:30 p.m. on November 1.

Okay.

Further discussion:

All those in favor of the motion:

I

To summarize, recap:

The record will be open for written material testimony, evidence, pictures, anything you want until November 1st, which is a Friday at 4:30 p.m. at the Planning Office. The hearing is continued to December 2nd, the time will be announced when we set our final agenda. Okay, to get a sense of how many people are here for the other items on the agenda, the next item scheduled is 191 NW Skyline Blvd. 19100 Skyline. People here for that. The third item 16016 Macdame Road. Okay, then the fourth item is Loudon Road, people here for that and the fifth item is SE Division St. Looks like we have people for all agendas. Take a five minute break and then we'll continue.

Meeting Date: ~~December 24, 1991~~ **JAN 14 1992**

Agenda No.: P-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Planning Commission Decision

BCC Informal _____ (date) BCC Formal December 24, 1991 (date)

DEPARTMENT DES DIVISION Planning

CONTACT Sharon Cowley TELEPHONE 2610

PERSON(S) MAKING PRESENTATION Planning Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 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):

PD 2-91 Decision of the Planning Commission of December 2, 1991, with recommendation to the Board for approval of a planned-development for a 25-unit manufactured home park for property located at 13303 SE Ramona Street.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1991 DEC 16 PM 3:10



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.

December 2, 1991

PD 2-91, #427

Planned Development Overlay (25-space Manufactured Housing Development)

Applicant requests a Planned Development (PD) zoning overlay on property with a base zone of LR-5, low density residential district. If approved, the PD overlay would allow a manufactured housing development on the site. The applicant proposes to place 25 manufactured houses on the site.

- Location:** 13303 SE Ramona Street
- Legal:** Lots 2 and 3, Block 1, Parcher Park, and the North 7,200 Square Feet of Tax Lot '591', Section 14-1S-2E, 1990 Assessor's Map
- Site Size:** 138,326 Square Feet (Approximately 3.18 Acres)
- Size Requested:** Same
- Property Owners:** Marilyn Blackwell 13235 SE Ramona Street, 97236
- Applicant:** Charlie Swan, PO Box 22231, Milwaukie, 97222
- Comprehensive Plan:** Low Density Residential
- Present Zoning:** LR-5, Urban Low Density Residential District
Minimum lot size of 5,000 square feet per dwelling unit
- Sponsor's Proposal:** LR-5, P-D, Low Density Residential-Planned Development District
The Planned Development Overlay is required to develop a Mobile Home Park in the LR-5 District.

PLANNING COMMISSION

DECISION: Approve, subject to conditions, a Planned Development overlay to allow development of a 25-unit manufactured home park on a 3.18-acre site (described above) located near 133rd Place and SE Ramona Street; based on the following Findings and Conclusions.

December 2, 1991

MC 49-62

N

Zoning Map
Case #: PD 02-91, #427
Location: 13303 S E Ramona Street
Scale: 1 inch to 200 feet
Shading indicates subject property

SE 135TH AVENUE 1/2

SE 136th AVENUE 1/2

SE ELLIS

LR-10

LR-10 CS

LR-10

R-1

Abandoned Railroad

(Formerly Portland Traction Company)

PRL & P CO

LR-5

LR-5

LR-10 CS

SC

GILBERT PARK

SE RAMONA STREET

GILBERT PRIMARY SCHOOL

LR-5

LR-5

CS

MR-4

CS

CS 10-63

MR-4 CS

CS 36-57

CS 13-66

CS 20-68

CS 20-68

CS 38-62

CS 38-62

CS 38-62

KNIGHT

SE 136th AVENUE

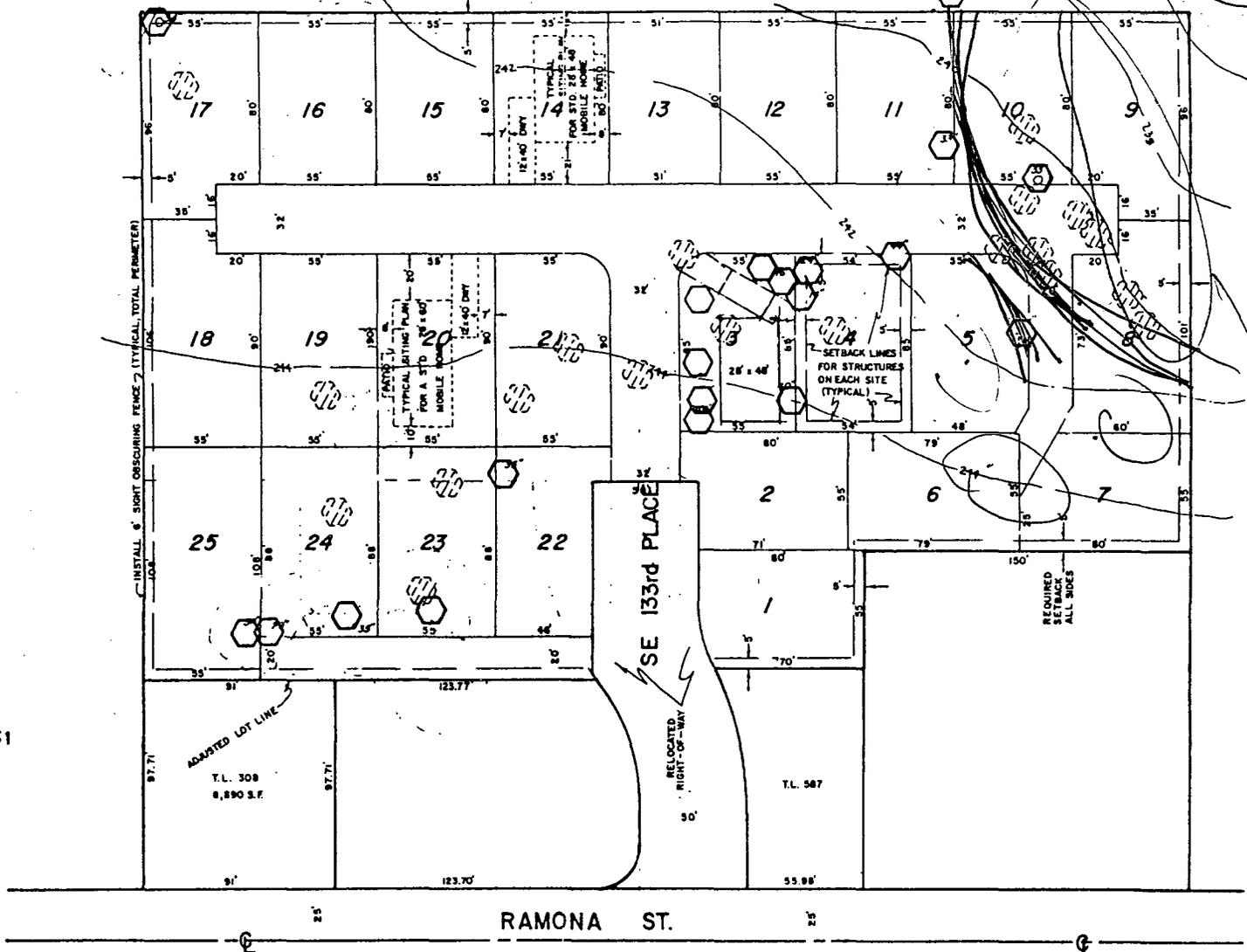
MR-4

MR-4

LR-5 CS

MC 4

27



*Bump
Zoning*

**TENTATIVE PLAN
OF
PARCHER PLACE
A MOBILE HOME PARK
AT
13303 SE RAMONA STREET
PORTLAND, OREGON 97236**

FOR
**CHARLIE SWAN, P. O. BOX 22231
MILWAUKIE, OREGON 97222
503/654-5313**

*FD 2-91
Applicant's Exhibit B
Dated 12/2/91 SW*

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Wm. F. Ringnalda
OREGON
JULY 14, 1987
WM. F. RINGNALDA
815

WM. F. RINGNALDA
CONSULTING ENGINEER & LAND SURVEYOR
879 COTTAGE ST. NE, SALEM, OREGON 97301 • (503) 371-8131
Registered Professional Land Surveyor • Oregon, Alaska & Idaho
Registered Professional Engineer • Oregon, Washington & Idaho

SCALE:
0 20 40 FT.

DATE 6-20-91
JOB NO. 91-016
DRAWN BY W. F. R.



CONDITIONS OF APPROVAL:

1. Prior to any site clearing, grading or tree felling, obtain Design Review approval of all proposed site improvements, landscaping and manufactured home placements. The Design Review Plan shall indicate all existing trees on the site with 6-inch or greater trunk diameter. The design plan may be adjusted from that illustrated in this decision to preserve significant trees on the site. The number of manufactured home spaces may not exceed 25-units.
2. Prior to issuance of placement permits for any of the proposed residences, complete Transportation Division requirements for right-of-way improvements to SE 133rd Place and SE Ramona Street as applicable.
3. Complete Lot Line Adjustment procedures between Lot 2, Parcher Park, and Tax Lot '591', Section 14-1S-2E, prior to issuance of any placement permits.
4. Design Review plans and subsequent Placement Permit applications shall demonstrate compliance with the Mobile Home Park Development Standards in MCC .7715 (e.g., fencing, street names, setbacks, roof pitches, 40% maximum space coverage, etc.). Compliance shall be ministerially determined by the Planning Division as part of Final Design Review and application for individual Placement Permits.
5. All existing fill areas proposed for roads, building foundations or other facilities requiring a compacted base, shall be tested and meet soil compaction and quality standards as determined by a registered soils engineer and as approved by the Building Official. The Building Official may require excavation and/or additional soils tests for stability, density or toxicity, to assure filled and other areas on the site are suitable and safe for placement of the structures.
6. An on-site storm water drainage system shall be developed with sufficient capacity to detain storm water in dry-wells or retention ponds so no net increase in off-site discharge of storm water flow results from development of the site. An engineering certification shall be included as part of Design Review which assures satisfaction of this condition.
7. The tentative PD plan submitted at the December 2, 1991 hearing must be reviewed and approved by Fire District #10. If the Fire District requires any changes to the plan, the amended plans must be reviewed and approved by the Planning Commission.

FINDINGS:

1. BACKGROUND:

The Planning Commission held a public hearing on this matter on October 7, 1991. The principle issues and questions raised at the hearing by the Commission, neighbors and others were:

- impacts on traffic volumes and pedestrian (children) safety on Ramona Street;
- past filling and/or dumping activities on the site, and its effects on the placement of houses on the property;
- density (*i.e.*, number of PD-units versus that allowed by the LR-5 zone);
- site coverage increase (*i.e.*, from 40% to 50% of each house space);
- preservation of the mature trees on the site;

The Commission continued the matter to their December 2, 1991 meeting date. The record remained open for written comments until November 1, 1991. Materials received during the open record period were distributed to the Planning Commission on November 8, 1991. These consisted of affidavits (regarding past dumping), a memorandum in opposition, petitions in opposition, newspaper clippings, information on the Johnson Creek basin (and planning activities underway for the basin), photographs, and numerous letters primarily citing the traffic volume and safety problems for SE Ramona Street should the project be developed.

2. APPLICANT'S PROPOSAL:

Charlie Swan proposes to develop a 25-unit manufactured home development on SE 133rd Place, just north of SE Ramona Street. Applicant requests approval of a PD overlay on the subject property. The proposed project consists of 25 single family residences and the public and private street improvements to serve them.

Applicant provides the following description of their project:

"PARCHER PLACE, a proposed, manufactured structure development, is conceived as being a 25 space ... housing community, nestled in a grove of mature fir trees, constructed on a virtually flat, clean piece of land located at 13303 SE Ramona...

"It is intended that all elements of Parcher Place be maintained in private ownership. Homesites may be rented on a continuing 30 day basis subject to terms and conditions contained in 'MANUFACTURED STRUCTURE SPACE RENTAL AGREEMENT' attached hereto".

3. ORDINANCE CONSIDERATIONS:

The October 7, 1991 Staff Report details applicable Zoning Code provisions. These are incorporated by reference.

4. REVIEW OF THE PROPOSAL:

The following section provides findings for each applicable criteria.

Planning Commission action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:

(1) The requirements of MCC .8230(D)(3);

Comments:

The above cited Zoning Code subsection requires that the proposal comply with applicable elements of the Comprehensive Plan. The application addresses the following Comprehensive Plan Policies:

- #13 (Air, Water, and Noise Qualities);
- #14 (Development Limitations);
- #16 (Natural Resources);
- #19 (Community Design);
- #21 (Housing Choice);
- #22 (Energy Conservation);
- #24 (Housing Location);
- #25 (Mobile Homes);
- #33a (Transportation System);
- #33c (Bicycle/Pedestrian System)
- #37 (Utilities);
- #38 (Facilities).

The application text headed ADDRESSING MULTNOMAH COUNTY COMPREHENSIVE PLAN POLICIES, pages 1-14, is incorporated by reference. All findings of the application are not incorporated by this reference; changes are recommended in this report.

The roughly 3-acre site is designated Urban Low Density Residential in the Powellhurst Community Plan. The PD request will allow development of the site with single family detached residences generally consistent with the low density residential designation. In addition, as noted in the application, the PD overlay for manufactured houses will allow greater housing choices and lower cost housing options to the community.

The PD overlay enables the Planning Commission to limit removal of the significant stand of Fir trees on the site. A conventional LR-5 subdivision proposal, by contrast, would not include this type of discretion. The PD overlay can further Community Design and Natural Resources policies in the Framework and Powellhurst plans if conditions of approval are imposed to limit tree removal. In addition, restrictions on the space coverage of the homes (e.g., a 40% maximum coverage) offers additional protection of significant trees on the site.

Conditions of approval are imposed to address several Plan policies. Condition #1 requires Design Review prior to site clearing or grading. It

addresses policies #16 (Natural Resources) and #19 (Community Design). Condition #2 addresses policy #33a (Transportation System). Condition #4 addresses policies #19 (Community Design) and #25 (Mobile Homes). Conditions #5 and #6 address policies #2 (Off-site Effects); #13 (Air, Water, and Noise Qualities); #14 (Development Limitations); #16 (Natural Resources); and #37 (Utilities).

(2) The applicable provisions of MCC 11.45, the Land Division Chapter:

Comments:

The proposal requires a Lot Line Adjustment under the Land Division Chapter. Condition # 3 requires that Lot Line Adjustment procedures be completed prior to issuance of placement permits within the development.

(3) 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.

Comments:

The LR-5 District's provisions are detailed in MCC 11.15.2622 – .2634. The principle differences between the proposed site development and the underlying district relate to dimensional standards (*i.e.*, density, setbacks, frontage).

Density — PD provisions essentially allow an increased density above that provided by the base zone (since the area needed for public streets is not subtracted). A conventional LR-5 subdivision of the site would result in only about 20 lots (ref. Exhibit A attached). The proposed PD proposes 25 manufactured home "spaces". The additional 5-units is achieved by proposing home spaces of about 4400 to 4900 square feet and using less area for streets. Three proposed spaces do have more than 5000 square feet (*i.e.*, spaces #8, #18, & #25).

Setbacks — The typical siting plans illustrated on space Nos. 14 and 20 indicate the rear yard setbacks will be 10 to 11-feet; the base zone requires a 15-foot minimum rear yard. The front setbacks on the plan illustration indicate a 20-foot minimum; however, the sidewalks along the private street frontage would be located within the front setback area. The non-paved "front yard" area for each manufactured home would be about 16 to 18-feet.

Frontage — Another difference between LR-5 standards and the proposed PD plan are the minimum frontage requirements. In the LR-5 zone, lots are required a 20-foot minimum frontage on a public street [ref. MCC .2634(E)]. The proposed PD plan includes private streets to serve the proposed manufactured home "spaces". Each space, however, would have at least 20-feet of frontage on a private street.

The question before the Commission is whether *the design and amenities incorporated in the development plan* warrant the above exceptions from the LR-5 District standards, and whether the proposed plan sufficiently relates to the purposes of the Planned Development subdistrict. The PD purposes are quoted below [MCC .6200]:

"The purposes of the Planned Development sub-district 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."

The Planning Commission finds that the proposed design and amenities warrant the flexibility requested from the base zone, and adequately address the PD purposes cited above [ref. purposes findings below under criteria (8)].

(4) *That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal.*

Comments:

There are no explicit minimum open space area requirements for a Planned Development. The proposal does not include common open space areas. The site would be held under a single ownership and the individual home sites would be leased. This is a common and proven means of accomplishing the plan and program for a mobile home park. Applicant's response is in the section entitled PARCHER PLACE, pages 15-16. The Commission finds that in order to protect significant trees on the site, the 40% maximum coverage should be maintained within the development.

(5) *The provisions of MCC .6214.*

Comments:

MCC .6214 addresses the *Relationship of the Planned Development to the Environment*. Applicant's response is detailed in the section entitled PARCHER PLACE, page 12. It indicates that most existing trees will be retained and incorporated into the site design. Condition No. 1 requires Design Review approval of proposed site improvements. It further requires that all existing trees (6-inch or greater diameter) be identified on the Design Review Plan and retained to the maximum practicable extent.

The applicant provided a map of trees proposed for removal at the December

2, 1991 hearing. The map identifies 39-trees on the property. The map and table compared the number of trees saved with the proposed plan versus that saved with a conventional LR-5 subdivision of the site. The PD plan saved 19 trees compared to only 13 saved with a conventional LR-5 subdivision. If the 40% maximum space coverage is maintained, it should be possible to retain more trees.

Adjacent properties are largely developed with single family dwellings, particularly to the west and south of the site. Gilbert Primary School is located on the south side of SE Ramona Street near the site. The proposed site layout displays a generally compatible design with neighboring road systems, buildings and uses. Conditions of approval are recommended to further address the *Relationship of the Planned Development to the Environment*.

Item (D) specifies that *[T]he 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 uses.*

The surrounding area is primarily developed in a grid pattern, with square or rectangular parcels oriented on north-south or east-west streets. The proposed PD continues this pattern in its private streets and lot and home configurations. There are developable LR-5 lands immediately to the east of the site and a public street system (as suggested in Exhibit A) could provide future public street access to this area. The proposed PD does not provide for a future street to serve the land immediately to the east. However, this area could still develop (to LR-5 densities) using a private access-way. For example, a private access-way serves the lots immediately west of the subject property (*i.e.*, the "Gilbert Park" addition). There is sufficient space between existing houses to develop a private access-way off Ramona Street to serve the vacant land east of the Parcher Park site. Therefore, the proposed PD plan does not preclude planned (*i.e.*, LR-5) development on adjoining developable properties.

The Transportation Division provides comment relevant to the above cited criteria in a November 21, 1991 letter from John Dorst. The Division commented on traffic safety and other issues effecting SE Ramona Street and the PD site. Based on the Transportation Division comments, the proposed development – as conditioned – is adequately served by the existing transportation system.

The application indicates the project will be secured by a 6-foot height wood privacy fence along the west, south and east perimeters, and a 6-foot chain-link fence with slats along the north boundary (Note: fence design details would be finalized as part of Design Review). Applicant indicates the project would include street lighting for security and safety.

(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.

"I believe this project will be completed in less than one year from the date of approval. Demand for this product is unbelievable, I have financing in hand and should be able to proceed in accordance with the previously stated schedule, excepting a truly wet winter. In that event, we should still be completed by November, 1992. The proposal meets the criteria for approval."

Comment: The Commission concurs.

(7) The development standards of MCC .6212, .6216 and .6218:

Comments:

Applicant addresses these criteria in the section entitled PARCHER PLACE, page 9-10. The Commission generally concurs with applicant's findings except as modified below.

MCC .6216 Open Space:

Applicant's response is in the section entitled PARCHER PLACE, pages 15-16. There are no explicit minimum open space area requirements for a Planned Development. The proposal does not include common open space areas. The proposed home sites would have between 4400 to 5900 square feet, and (if the 40% maximum space coverage is maintained) approximately 2000 to 3000 square feet of "open space" on each site. The Commission finds this adequately protects significant trees on the site and achieves the purposes of the Planned Development overlay on this site.

MCC .6218 Density Computation for Residential Development:

LR-5 provisions specify a 5,000 square feet minimum lot size for a single family house. The total site is 138,326 square feet. The Planned Development provisions therefore allow a total of 28 units. (138,326 divided by 5000 = 27.67 units). The application proposes 25-units.

At the October 7, 1991 hearing, the Commission noted that the PD provisions essentially allow an increased density above that provided by the base zone (since the area needed for public streets is not subtracted). A conventional LR-5 subdivision of the site would result in only about 20 lots (ref. Exhibit A attached). Most of the 25 manufactured home spaces proposed are less than 4600 square feet in area, only three have more than 5000 square feet (*i.e.*, spaces #8, #18, & #25).

The Commission finds that the 25-units in the proposed configuration adequately addresses Planned Development criteria.

(8) *The purposes stated in MCC .6200.*

Comments

The purposes of the PD overlay are noted above under Criteria (3). Applicant responds to this criteria in the section entitled PARCHER PLACE, page 10. The proposal generally fulfills purposes of the Planned development overlay by providing affordable housing opportunities, an efficient use of the site, reduced public costs for streets and maintenance, and preservation of significant natural features on the site (*i.e.*, mature stand of Fir trees).

Applicant provided a map of trees proposed for removal at the December 2, 1991 hearing. The map identifies 39-trees on the property. The map and table compared the number of trees saved with the proposed plan versus that saved with a conventional LR-5 subdivision of the site. The PD plan saved 19 trees compared to only 13 saved with a conventional LR-5 subdivision. If the Fire District requires any redesign, the revised plan must be reviewed by the Planning Commission (Ref. Condition #7).

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

Comments:

Conditions of approval are imposed to address the purposes of the PD overlay. Condition No. 1 requires design review of proposed site improvements and limits the development to 25-units, No. 2 requires street improvements to access the site, and No. 3 requires land division approval through the County Planning Department for the proposed Lot Line Adjustment. Condition No. 4 requires that Design Review plans and placement permit requests for each proposed house comply with the mobile home park development standards (*e.g.*, 40% max. coverage, setbacks, *etc.*). Condition No. 5 requires that a registered soils engineer perform soils tests for stability, density and/or toxicity, to assure filled and other areas on the site are suitable for placement of the structures. Condition No. 6 requires that an on-site storm water drainage system be designed and certified by an engineer. And Condition No. 7 requires approval of the site plan by the Fire District.

5. ADDITIONAL FINDINGS:

The original application included a request to vacate the SE 133rd Place right-of-way. The vacation request was withdrawn. Disregard any references in the application materials to the street vacation.

Section 2 in the October 7, 1991 Staff Report lists the **Mobile Home Park Development Standards** of MCC .7715. The applicant responds to these standards in a separate section entitled **COMPLIANCE WITH SPECIFIC CONDITIONS FOR MOBILE HOME PARKS**. These standards specify

design details such as fencing requirements, minimum setbacks between manufactured homes, minimum roof pitch and square footage for the homes, etc. The subsection requires that mobile homes located within the LR-5 District "*...Be a manufactured home constructed after June 15, 1976, and carry a State insignia indicating compliance with applicable Oregon State mobile home construction or equipment standards; (and)... Have a minimum floor area of not less than 800 square feet;...(and)... Have a roof with a minimum slope of 16 percent (2:12)...*".

MCC .6222(B) specifies the permitted uses for Planned Developments in the LR-5 District. Subsection (2) allows a "mobile home park" outside of a *Developed Neighborhood* as designated in the Community Plan. The Powellhurst Community Plan does not identify the subject property as a *Developed Neighborhood*, therefore, the proposal is consistent with this provision.

The request includes an exception to the 40% maximum space coverage requirements for mobile homes [Ref. MCC .7715(C)]. The 40% coverage exception request is described in the application section entitled PARCHER PLACE, pages 3 and 4. Staff noted that conventional site built houses in the LR-5 District are allowed a 50% lot coverage. However, a conventional LR-5 subdivision of the site would result in only about 20 lots, and each would have a minimum of 5000 square feet (ref. Exhibit A attached). Most of the 25 manufactured home spaces proposed are less than 4600 square feet in area, only three have more than 5000 square feet (*i.e.*, spaces #8, #18, & #25). The proposed increase to a 50% space coverage would permit larger manufactured homes to be sited; however, this would also increase the potential loss of trees on the site. A site design with three or four fewer houses would likely provide sufficient area on each space to accommodate the larger manufactured homes while maintaining the 40% lot coverage standard. Reducing the project to 21 or 22 home spaces could provide greater separation between each home and a corresponding increase in the number of trees which could potentially be saved.

Alternatively, the size (rather than the number) of homes allowed in the mobile home park could be restricted to achieve the 40% maximum coverage. This too, could improve the potential for tree preservation on the site.

The Transportation Division submitted written comment on the proposal in a letter from John Dorst, Engineering Services Administrator, dated November 21, 1991. These findings are incorporated by reference.

CONCLUSIONS

1. The proposed manufactured home park – as conditioned – complies with applicable zoning provisions.
2. The proposed Planned Development – as conditioned – affords greater protection of a significant stand of Fir trees on the property.
3. Conditions of approval are necessary to assure the project is developed in compliance with applicable Plan policies and Zoning Code provisions.

Signed December 2, 1991


By Richard Leonard, Chairman

Filed With the Clerk of the Board on December 12 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, December 23, 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, December 24, 1991 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

**SCHWABE
WILLIAMSON
& WYATT**

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1950

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TELEPHONE: 503 222-9981 • FAX: 503 796-2900 • TELEX: 4937535 SWK UI

GREGORY G. LUTJE

DIRECT LINE: 503 796-2866

November 19, 1991

HAND DELIVERED

Mr. Mark Hess
Multnomah County Planning Department
2215 S.E. Morrison Street
Portland, Oregon 97214

RE: PD 2-91, #427

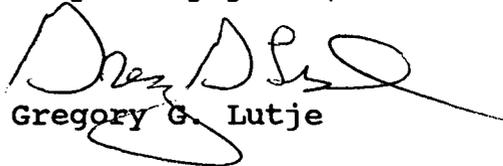
Dear Mark,

Enclosed are documents relating to the above referenced Planned Development Application. The materials include two revised versions of my November 1 Memorandum to the Commission; one of which is redlined to show changes made to the November 1 document; and the other is a clean copy that I would like presented to the Commission if possible. The reason for the changes is to correct typos, sentence fragments and other non-substantive materials. I think the revised version is easier to read.

I am also enclosing a copy of a letter sent yesterday to the Fire Department that probably is self-explanatory. I hope the Commission will consider the response that should be coming from Rich Butcher when the Commission evaluates the credibility of the claims and representations made by the Applicant.

Please let me know if you have any questions or concerns prior to the Hearing on December 2.

Very truly yours,


Gregory G. Lutje

Encl.

GOAL 4 FOREST LANDS

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GOAL 4: FOREST LANDS

BARRETT
SECRETARY OF STATE

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

USES

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) forest management dwellings that are necessary for, and accessory to, forest operations; and (5) other dwellings under prescribed conditions.

IMPLEMENTATION

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

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ADOPTED JANUARY 25, 1990
AMENDED MARCH 1, 1990

OAR 660, DIVISION 6
Table of Contents

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BARBARA J. ...
SECRETARY OF STATE

Purpose
660-06-001.....

Applicability
660-06-003.....1

Notice of Decision in Forest Zones
660-06-004.....4

Definitions
660-06-005.....5

Inventory
660-06-010.....5

Plan Designation Outside an Urban Growth Boundary
660-06-015.....5

Plan Designation Within an Urban Growth Boundary
660-06-020.....6

Uses Authorized in Forest Zones
660-06-025.....6

New Land Division Requirements in Forest Zones
660-06-026.....11

Forest Management Dwellings in Forest Zones
660-06-027.....13

Dwellings Not Related to Forest Management
660-06-028.....16

Siting Standards for Dwellings and Structures
in Forest Zones--660-06-029.....17

Fire Siting Standards for Dwellings and Structures
660-06-035.....18

Fire Safety Design Standards for Roads
660-06-040.....19

Uses Authorized in Agriculture/Forest Zones
660-06-050.....19

New Land Division Requirements in Agriculture/
Forest Zones--660-06-055.....19

Rezoning Land to an Agriculture/Forest Zone
660-06-057.....

Regulation of Forest Operations
660-06-060.....



ADOPTED JANUARY 25, 1990
AMENDED MARCH 1, 1990

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OAR 660, DIVISION 6

BARBARA
SECRETARY OF STATE

Purpose

660-06-001 (1) The purpose of the Forest Lands Goal is to conserve forest lands.

(2) To accomplish the purpose of conserving forest lands, the governing body shall:

(a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR 660, Division 6; and

(b) Zone forest lands for uses allowed pursuant to OAR 660, Division 6 on designated forest lands; and

(c) Adopt plan policies consistent with OAR 660, Division 6.

(3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands," because of the extent of lands that may be designated as either agricultural or forest land.

Applicability

660-06-003 The following rule describes how and when requirements of the amended Forest Lands Goal and Rule apply to local government land use decisions. OAR 660, Division 6 applies to all forest lands as defined by Goal 4. Governing bodies shall comply with the requirements of OAR 660-06-004 within sixty (60) days of the effective date of this rule:

(1) Governing bodies shall comply with requirements of this amended goal and rules, in the following ways prior to the director terminating periodic review, the commission affirming the final periodic review order, or the court sustaining a commission order affirming the final periodic review order for issues covered by this amended goal and rules. Where a proposed periodic review order is submitted prior to the effective date of this amended goal and rules, the following provisions will not apply until three years from the effective date of this amended goal and rules (see OAR 660-06-003(4)):

(a) If a governing body amends a plan policy, then the requirements of the amended goal and rules shall apply.



(b) The governing body shall amend its plan map to conform to the requirements of this amended goal and rules.

(c) The governing body shall amend its plan background, inventory or other information in the plan to conform to the requirements of this amended goal and rules.

(d) The governing body shall amend its land use regulation to conform to the requirements of this amended goal and rules.

(e) The governing body shall amend its zone map to conform to the requirements of this amended goal and rules.

(f) Implementation decisions made by the governing body or its designate shall adhere to the acknowledged land use regulations in place at the time the application for the decision is made.

(3) Following termination of periodic review, a governing body shall apply the requirements of this amended goal and rules as outlined in ORS 197.835 (LUBA Scope of Review).

(4) Local governments that have submitted a proposed periodic review order prior to the effective date of this amended goal and rules must amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, within three years of the effective date of this rule.

(a) Local governments that do not complete the required comprehensive plan and land use regulation amendments before the expiration of the three-year period will be subject to the requirements of this amended goal and rules for all land use decisions as defined in ORS 197.015.

(b) After local governments have completed the required amendments to their comprehensive plan and land use regulations, and such amendments are acknowledged as provided in ORS 197.625, the provisions of this amended goal and rules shall apply in the same manner as other goals and rules apply to other land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(5) Applicability Matrix

The following matrix is intended to supplement the above applicability section. It is intended as a general expression of legislative intent. Should confusion or conflicts arise over the meaning of the specific language of the rule, the rule shall take precedence over the matrix.

for notice contained in ORS 197.762, ORS 215.402 to ORS 215.438.

Definitions

660-06-005 For the purpose of this rule, the following definitions apply:

- (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (2) Forest operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (3) Governing body means a city council or county board of commissioners or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

Inventory

660-06-010 Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under OAR 660-06-010. Outside urban growth boundaries, this inventory shall include a mapping of forest site class. If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding OAR 660-06-010, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

Plan Designation Outside an Urban Growth Boundary

660-06-015 (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, or the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of

(2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;

(c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(d) For the purposes of OAR 660-06-025(2) "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) The following uses may be allowed outright on forest lands:

(a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;

(b) Farm use as defined in ORS 215.203;

(c) Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups;

(d) Temporary portable facility for the primary processing of forest products;

(e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(f) Private hunting and fishing operations without any lodging accommodations;

(g) Towers and fire stations for forest fire protection;

temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by OAR 660-06-025 shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(g) Television, microwave and radio communication facilities and transmission towers;

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating five (5) megawatts or less of power;

(j) Aids to navigation and aviation;

(k) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(l) Reservoirs and water impoundments;

(m) Firearms training facility;

(n) Cemeteries;

(o) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:

(A) accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,

(B) only minor incidental and accessory retail sales are permitted,

(C) accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission,

(D) a governing body may impose other appropriate conditions, and

(w) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(5) A use authorized by OAR 660-06-025(4) may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (l), (r), (s) and (v).

(6) Nothing in OAR 660-06-025 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

New Land Division Requirements in Forest Zones

660-06-026 (1) Governing bodies may approve land divisions pursuant to acknowledged comprehensive plan provisions for authorizing new land divisions in forest zones pending the evaluation described below:

(a) An evaluation of acknowledged provisions that authorize new land divisions below 80 acres in forest zones shall be conducted by the governing body to determine whether the land division standards in the plan have worked to achieve compliance with the amended Goal 4. In conducting the evaluation, governing bodies shall provide findings based on substantial evidence that the acknowledged land division standards have worked to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

Forest Management Dwellings in Forest Zones

660-06-027 (1) Forest management dwellings may be allowed in forest zones provided the governing body makes findings based on substantial evidence that the requirements of OAR 660-06-027 are met. For the purpose of OAR 660-06-027, necessary for and accessory to are defined as:

(a) "Necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling.

NOTE: (The Commission intends that this requirement create a relationship between the approval of a dwelling and the ongoing forest management of the land. It means that the principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. A dwelling is necessary where the occupant must spend an extensive amount of time on forest management. This definition precludes a dwelling which simply "enhances" forest management. This definition also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.)

(b) "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.

(2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in Appendix A of this rule or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

(a) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and

determined by the governing body needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings;

(c) The governing body shall determine whether the prospective resident(s) has complied with OAR 660-06-027(7)(a) within 60 days of the end of the time period prescribed in OAR 660-06-027(7)(a). If the prospective resident(s) has not complied with such requirements, the governing body shall secure the removal of the dwelling unless an extension is granted. An extension of not more than two (2) years may be granted if the governing body has substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in OAR 660-06-027(7)(a) was not possible;

(d) The governing body shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of OAR 660-06-027(7)(a) for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under OAR 660-06-027(7)(c);

(e) When the governing body has determined that the prospective resident(s) has complied with the requirements of OAR 660-06-027(7)(a), the temporary dwelling may be replaced by a permanently constructed dwelling.

(8) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(9) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1) is submitted to the governing body.

(10) It is the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met.

(11) Nothing in OAR 660-06-027 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

(b) In eastern Oregon, the parcel is composed primarily of soils which are:

(A) capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or

(B) capable of above 50 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.

(8) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under OAR 660-06-028(7).

(9) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(10) Nothing in OAR 660-06-028 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

(11) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.

Siting Standards for Dwellings and Structures in Forest Zones

660-06-029 The following siting standards or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 to identify the building site.

(1) Dwellings and structures shall be sited on the parcel so that:

area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provisions in "Protecting Your Home from Wildfire," (National Fire Protection Association).

Fire Safety Design Standards for Roads

660-06-040 The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

Uses Authorized in Agriculture/Forest Zones

660-06-050 (1) Governing bodies may establish agriculture/forest zones in accordance with Goals 3 and 4, and OAR 660, Division 6.

(2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and ORS 215.283, whichever is applicable, and in OAR 660-06-025, OAR 660-06-027 and OAR 660-06-028, subject to the requirements of the applicable section, may be allowed in any agriculture/forest zone.

(3) Notwithstanding OAR 660-06-050(2), nonfarm dwellings authorized under OAR 215.213(3) or ORS 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or ORS 321.815 three (3) out of the last five (5) years.

(4) Dwellings and related structures authorized under OAR 660-06-050(2) and (3) in agriculture/forest zones may be allowed subject to the requirements of OAR 660-06-029 and OAR 660-06-035.

New Land Division Requirements in Agriculture/Forest Zones

660-06-055 A governing body shall apply the following standards to new land divisions in agriculture/forest zones.

Regulation of Forest Operations

660-06-060 The Forest Practices Act (ORS 527.620 to ORS 527.990) as implemented through State Board of Forestry rules (OAR 629-24-101 to OAR 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to ORS 527.726. OAR 660-06-025 does not authorize county governing bodies to regulate forest operations or other uses allowed by ORS 527.620 to ORS 527.990 and OAR 629-24-101 to OAR 629-24-648.

MJR/sp
<oar>

FOREST MANAGEMENT PLAN

Name _____ THIS SPACE FOR COUNTY'S USE ONLY _____

Date Received _____ Date Approved _____ Date Denied _____

Street Address _____ Telephone Number _____

City _____ State _____ Zip Code _____

DESCRIPTION OF PROPERTY
TO BE MANAGED

Tax Lot Number or Parcel Number	Owned or Managed under Contract?	Section	Twp.	Rge.	Date Acquired	Acres

COMPLETE QUESTIONS BELOW

- Is the predominant purpose of this land to grow and harvest trees of a marketable species and/or to grow and harvest Christmas trees?
 Yes No
- To what extent do livestock use the property for grazing. (Kinds of animals, number of head, length of grazing, etc.)

- Is any portion of the land subject to a lease option which permits it to be used for any purpose other than the growing and harvesting of trees? Yes No If yes, briefly explain

- Is the property currently assessed under:

1. Designated Forest Land?	Yes _____ No _____
2. Farm Use?	Yes _____ No _____
3. Western Oregon Small Tract Option Tax?	Yes _____ No _____

If yes, Certificate Number _____

Has the property been removed from one of the above special assessments? If yes, date removed _____

7. PRESENT STAND CONDITION - AN INVENTORY AND DESCRIPTION OF THE OWNERSHIP IN ITS CURRENT CONDITIONS.

- A. SHOULD INCLUDE A DESCRIPTION OF THE VEGETATIVE COVER TYPES ON THE PROPERTY. AREAS OF COMMERCIAL TIMBER SPECIES (DOUGLAS-FIR, PONDEROSA PINE, HEMLOCK, WHITE FIR, SPRUCE, RED ALDER) SHOULD BE IDENTIFIED BY SPECIES AND BY AVERAGE TRUNK DIAMETER ON DIAMETER RANGES. BRUSH AND SCRUBBY HARDWOOD NEED NOT BE IDENTIFIED BY SPECIES.
- B. SHOULD INCLUDE AN ESTIMATE OF THE TREE STOCKING LEVEL OF COMMERCIAL SPECIES. THIS IS AN ESTIMATE OF DENSITY AND MAY BE PRESENTED BY A RANKING OF LOW, MODERATE, OR HIGH.
- C. SHOULD INCLUDE FOREST SITE CLASSES. THIS IS AN ESTIMATE OF GROWTH POTENTIAL OF THE LAND. TWO SITE CLASSIFICATION SYSTEMS ARE ACCEPTABLE:

- 1. FIVE CLASS SYSTEM: SITE I (HIGHEST POTENTIAL) TO SITE V (LOWEST).
- 2. SEVEN CLASS SYSTEM BASED ON ANNUAL CUBIC FOOT PRODUCTION: SITE 1 (HIGHEST) TO SITE 7 (LOWEST).

(THESE CLASSIFICATIONS ARE NOT THE SAME AS THE SOIL CONSERVATION SERVICE'S AGRICULTURAL SOIL CLASSIFICATION SYSTEM WHICH RATES SOILS ON CAPABILITY FOR PRODUCING CROPS OR PASTURE.)

<u>TYPE</u>	<u>ACRES</u>	<u>SPECIES</u>	<u>AGE</u>	<u>DIA. RANGE</u>	<u>STOCKING</u>	<u>SITE CLASS</u>	<u># SLOPE</u>
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

- D. ATTACH A COVER TYPE MAP.
 - 1. A MAP INDICATING THE BOUNDARIES OF THE DIFFERENT VEGETATIVE TYPES LISTED ABOVE, STREAMS, ROADS, AND EXISTING OR PLANNED STRUCTURES SHOULD BE INCLUDED. A MAP SCALE OF 1" - 1000' OR LESS IS DESIRABLE.
 - 2. INDICATE ANY AREAS WHERE YOU PLAN TO CULTIVATE CHRISTMAS TREES.
- E. ATTACH A SOILS MAP, IF AVAILABLE, SHOWING SOIL TYPES MAPPED BY THE SOIL CONSERVATION SERVICE (SCS), FOR YOUR PROPERTY. ASSISTANCE IN OBTAINING THIS INFORMATION CAN BE OBTAINED FORM THE LOCAL (COUNTY) OFFICE OF THE SCS OR THE COOPERATIVE EXTENSION SERVICE.

NARRATIVE OR CONCLUSIONS

TYPE #

NAME, PHONE NUMBER AND SIGNATURE OF PERSON WHO PREPARED PLAN IF DIFFERENT FROM APPLICANT, PREPARER'S NAME: _____ PHONE: _____

PREPARER'S SIGNATURE: _____ DATE: _____

DECLARATION

I declare under penalties of false swearing (ORS 305 305.990(4) that I have examined this document and any accompanying papers, and to the best of my knowledge they are true, correct and complete.

Applicant's Signature

Applicant's Signature

Date

x

x

FOREST MANAGEMENT PLAN INSTRUCTIONS
(Not part of the rule)

This plan is designed to be filled out by the property owner. Some necessary information can be obtained from the local offices of the Oregon Department of Forestry and the Soil Conservation Service. Additional information and assistance on preparing management plans may also be obtained from private forestry consultant.

Upon completion of the management plan, it needs to be submitted to the local Oregon Department of Forestry office at:

ADDRESS WILL BE INSERTED

The Department of Forestry will then review the plan to assure that the necessary information has been provided. If the plan includes all the required information, then the Department of Forestry will determine if:

1. The information describing the productivity and current condition of the forest land to be managed is complete and accurate.
2. The forest management plan is likely to result in productive occupation of the site for the required timber management and/or Christmas tree cultivation purposes in terms of stocking, stand density, and harvest.

NOTE: At least two weeks prior to starting any management activities on the property, contact the local Oregon State Forestry Department office for Notification of Operation and Permit to Operate Power Driven Machinery and other requirements under the Oregon Forest Practices Act and Oregon Fire Laws.

Description of property to be managed:

If you do not know the legal description of the property to be managed, information describing the property can be obtained from the county assessor or from a title insurance company.

Question 1:

If your major reason for owning the land is to grow and harvest forest tree species and/or grow and harvest Christmas trees, then mark yes.

Question 2:

If livestock are grazed on the property, describe the kinds of animals, number of head of each kind and the extent of the grazing season.

that will limit or prevent the use of various forest management practices such as logging, application of herbicide, site preparation, thinning, etc., or Christmas tree culturing practices. Listed below are some obstacles or natural features that may limit intensive management.

- A. Above ground transmission, power, and telephone lines.
- B. Underground power, telephone, cable TV, gas, and water line.
- C. Water well on property or neighbors property near property line.
- D. State and county roads.
- E. Location of buildings and residences on property and neighboring properties.
- F. Steep slopes over 30%
- G. Class I, Class II, Class IIsp streams on property or adjacent property. Contact the local Oregon Department of Forestry office for stream type information.
- H. Natural springs.

For example, the illustration provided by the sample type map under the instructions for question 7D has three limitations shown for intensive forest management. These are:

- A. The house located on the property, which may limit the type of harvesting, if any that would be done in the vicinity. This would be especially true if there was a well located near the house.
- B. The stream, which may limit the type of harvesting in its vicinity as well as the number of trees that might be harvested in the area. The stream would also restrict the type of reforestation activities in that area such as use of herbicides to control competing brush.
- C. The house on the adjoining property, which might limit the type of management practices that you could conduct along that property line.

Question 7: Present Stand Condition

The purpose of this section is to provide an inventory and description of your forest land in its current condition.

Question 7A:

Description of the vegetative cover types refers to dividing the property into various vegetative types or stands. Each stand

When drawing a timber type map, it is very easy to draw the stands too small and detailed. You should draw the stands based on the primary cover or tree type in that stand. Showing quarter and half acre pockets of trees as individual stands can very easily make the map overly detailed and give type sizes that are not a practical size to manage.

The above sample timber type map is an example of how such a map might look. You will note there are only three major types of trees on the 80-acre parcel.

The three types are typical for western Oregon.

DF -This would be a stand of primarily Douglas-fir. It may also contain some red alder, big leaf maple, or even other conifers such as western red cedar. However, the predominant tree in this stand is Douglas-fir; so the stand is labeled as Douglas-fir.

DF, RA - This is a stand containing a mixture of Douglas-fir and red alder, a very common mix in Oregon. In the example, there is a fairly even mixture of both trees, so the stand was labeled as containing both. The stand may also contain other types of scattered hardwoods or conifers.

RA -This is a stand of primarily red alder bordering a stream. In western Oregon forests, it is common to find alder growing. The stand may also contain scattered Douglas-fir, western red cedar and big leaf maple. However, the stand is typed as alder, because it is the primary species.

The sample timber type map also shows a house, road, and stream. In addition, there is a house that is shown on the adjoining property to the east.

Question 7D:

Soil type maps are available at the local Soil Conservation Service or Cooperative Extension Service offices. A soil map should be attached to your management plan.

Question 8:

The example provided is based upon the information included under the inventory information used for the instructions for question 7.

NARRATIVE OR CONCLUSIONS

9.

TYPE #

NAME, PHONE NUMBER AND SIGNATURE OF PERSON WHO PREPARED PLAN IF DIFFERENT FROM APPLICANT,

PREPARER'S NAME: _____ PHONE: _____

PREPARER'S SIGNATURE: _____ DATE: _____

DECLARATION

I declare under penalties of false swearing (ORS 305 305.990(4)) that I have examined this document and nay accompanying papers, and to the best of my knowledge they are true, correct and complete.

Applicant's Signature	Applicant's Signature	Date
-----------------------	-----------------------	------

x

x

MEMORANDUM IN OPPOSITION TO PLANNED DEVELOPMENT APPLICATION

TO: Multnomah County Planning Commission
FROM: Greg Lutje, on behalf of Don Rhyne
RE: PD 2-91, #427; Application for 25 manufactured housing development at 13303 S.E. Ramona Street (Parcher Park)
DATE: November 1, 1991

This memorandum is submitted pursuant to MCC 11.15.8225 on behalf of Don Rhyne who is the owner of real property immediately adjacent to the proposed development site. The Planning Commission during the hearing on October 7, 1991 left open the opportunity for submission of written statements until the close of business on November 1, 1991. This memorandum will provide evidence and argument against the application under review and contains facts showing the manner in which the interests of Don Rhyne will be adversely affected by a decision contrary to Mr. Rhyne's position on the application.

As indicated in the Staff Report dated October 7, 1991, the Planning Commission's action on the application shall be based on findings that several criteria have been satisfied. The first of these criteria is satisfaction of the requirements under MCC .8230(D)(3), which requires the applicant to persuade the Planning Commission that the proposed action fully accords with the applicable elements of the Multnomah County Comprehensive Plan.

Applicant Has Not Adequately Demonstrated That The Application Fully Accords With The Comprehensive Plan.

Under Policy 2, this body must apply conditions to its approval of land use decisions where it is necessary to protect the

public from the potentially deleterious effects of the proposed use. The following discussion will demonstrate why the proposed development does not meet all required standards, and demonstrate why the project's off-site effects to the surrounding properties or the community warrant appropriate conditions for approval to minimize those effects.

Policy 13: Air, Water, Noise Qualities.

On page 2 of the portion of the application addressing the various policies of the Comprehensive Plan, applicant states that

"storm drainage will be maintained, insofar as possible, on site. Rainwater will be captured in rain gutters, channeled to the inverted crown streets and then carried to properly sized dry wells. All of this is located on the property. We have every reason to believe that dry wells will do a satisfactory job as the soil in the area percolates very well."

This claim of storm drainage capacity and soil percolation should be substantiated by an adequate demonstration that applicant has tested and engineered the dry wells sufficiently to warrant this development. The coverage of the land area by the streets, mobile home sites and other improvements will significantly reduce the area of soil eligible for water percolation and applicant should be required to demonstrate the adequacy of his claims upon this issue.

Policy 14: Development Limitations.

Under this Policy, the county is committed to direct development away from areas that may have a "high seasonal water

table within zero to 24 inches of the surface for three or more weeks of the year; and a fragi-pan less than 30 inches from the surface." During testimony provided at the October 7 hearing, several landowners in the area testified as to the existence of a high water table within the general area of the subject property. As a condition for approval, applicant should be required to provide verifiable evidence that the subject property is not subject to water table or fragi-pan problems. Applicant's answers of "no" to the questions does not sufficiently demonstrate that applicant has verified the claim with sufficient evidence.

Under Strategy D2, Policy 14 of the Comprehensive Plan states that the county development standard should include provisions for drainage and retention of vegetation and significant natural or habitat areas where these will mitigate natural hazards. Applicant should be required to fulfill its burden of proof by demonstrating that its proposed drainage system and retention of vegetation will alleviate the problems created by its proposed coverage of the area with streets, mobile homes and other improvements.

Policy 19: Community Design.

Under this Policy, the County is required to maintain a community design process which locates development proposals in terms of scale and community impact with the overall purpose being a complimentary land use pattern. Although staff is recommending that one of the conditions of approval be Design Review approval of

all proposed site improvements, applicant should be required to demonstrate prior to approval by the Commission that the proposed development is complimentary to the existing neighborhood use pattern. Applicant states in the portion of its application which addresses Policy 19 that it is applicant's belief that the existing neighborhood will hardly know of the existence of the proposed development. If that is so, then it is questionable why so many of the community and parents of children attending the nearly immediately adjacent grade school are in opposition to this proposal.

Applicant has submitted its proposed site layout but has not provided quantitative data with regard to an inventory of existing trees and has not provided any quantitative data with the number of trees that will be removed or impaired as a result of the development plan. Prior to the approval by this body, applicant should demonstrate the actual effect of its proposal upon the site. This would allow the Planning Commission the capability of reconfiguring the proposed site layout to accommodate the goal of leaving the trees and other natural vegetation in as natural state as possible.

With regard to circulation, applicant states that general circulation "should be more than adequate." Applicant has not submitted any data to support such a claim. Applicant states that it intends to construct a 28-foot inverted crown asphalt road even though such a construction is contrary to county road standards.

Applicant claims that Rich Butcher of the Portland Fire Department has indicated that the circulation and turning radius in the project are satisfactory for fire purposes, but there is no document so acknowledging in the record.

With regard to parking, applicant states that each space shall have off street parking for not less than two cars with parking permitted only on one side of the road. Applicant further states that "there should be plenty of parking for all concerned." It is questionable whether a 33.5 foot width hard surface which would be narrowed by the width of parked cars will be adequate for fire and emergency vehicle access in an emergency situation. As required by MCC 11.15.8230, the burden of proof is upon the applicant to demonstrate that parking and emergency vehicle access will be adequate for the proposed site.

With regard to its obligation to preserve and enhance the amenities of the natural and developed environment, applicant states that "every effort is being made to retain as many as possible of the large fir trees now on the property." Applicant has failed to submit any supportive data of this claim. Before the application should be approved, applicant should be required to perform a complete inventory of the number of trees and provide verifiable data on how many trees will remain standing after the proposed development.

In its response to the requirement that the individual development contribute to the quality of the environment and

surrounding neighborhood, applicant responds that its design for Parcher Place will be similar to Buxton Place which applicant claims has demonstrated tremendous public acceptance. This claim is questionable because Buxton Place has been open for only a few months and hardly has had sufficient time to be analyzed by the public.

In his response to the requirement that the application consider the soil capabilities, and natural vegetation of the site plan, applicant states that "the soil is extremely sandy with outstanding drainage capabilities." But applicant fails to support its claim with any verifiable data. Again, applicant claims that it plans to preserve where possible as many of the large fir trees on the site but has no supporting data indicating how many trees are there currently and how many will remain standing after the proposed development.

Policy 20: Arrangement of Land.

Under this Policy, the county is committed to assure a complimentary blend of uses and reinforce community identity and create a sense of pride and belonging. Applicant has failed to address any of the issues contained within this Policy in its application; and as demonstrated by the nearly unanimous opposition by the community, Parcher Park will not reinforce a sense of community identity or foster a sense of pride and belonging.

Policy 21: Housing Choice.

In its response to the issues of this Policy, applicant claims that its typical tenant is age 62, yet applicant has failed to demonstrate any supporting data for such a claim. Applicant has produced no demographic data to support such a claim, and based upon the demographics of the immediate area, it is more likely that Parcher Park will be inhabited by couples and single parents with children. Consequently, the children should be provided with an environment with adequate open areas and recreational areas to safely play in, but Parcher Park contains no such areas.

Policy 24: Housing Location.

As a major residential project, Parcher Place must be demonstrated by applicant to be nondeleterious to the neighborhood: Under the access criteria for a major residential project, applicant must demonstrate that "site access will not cause dangerous intersections or traffic congestions, considering the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements." This development has the potential of creating 25 new home sites with the concomitant traffic impacts. This will potentially create between 7 and 10 trips per day, per unit; or two hundred fifty additional trips per day. Southeast Ramona Street is a two-lane road with a paved area only 18 feet 4 inches wide with no sidewalks. There is a tremendous amount of traffic on a street of this size resulting from ingress and egress to the school, both by parents in

automobiles and by the school buses.

The only access to this project would be within 300 feet of the driveway to Gilbert Park School, and, as supported by the petitions and testimony of parents and neighbors, this project's impact on the immediate neighborhood has the likely affect of significant impact. Applicant has failed to produce any quantitative data to fulfill its burden of demonstrating that the proposal will not severely and adversely affect the neighborhood, and this body should not approve the project until the applicant has so demonstrated that Ramona Street can support the increased traffic resulting from the project.

Another important factor is that S.E. Foster, which is approximately 10 blocks to the south of Ramona, is due to undergo significant construction work in the near future as it is planned as a major transitway and be widened to five lanes. During the time of such construction, S.E. Ramona Street will likely be the alternative route for traffic. Applicant has failed to demonstrate its burden that Ramona Street can support both this increased traffic due to the construction as well as the mobile home park.

Applicant's response of "yes" in the application to this issue is not adequate to fulfill applicant's obligation to prove that its proposed action fully comports with this element of the Comprehensive Plan. It is also questionable whether the scale of this development is compatible with the surrounding uses. Parcher

Place has the potential of being a 25-unit manufactured subdivision in an area largely comprised of single family residences. Such a saturation of home sites is inappropriate considering the existing development of the area. As required under Item 2(C)(5) of the major residential project criteria, the site layout for Parcher Park fails to adequately respond to "the existing community identity." Consequently, this body should either deny the application as proposed, or significantly reduce the number of mobile home sites to allow the project to be more compatible with the surrounding uses and maintain the existing community identity.

Policy 25: Mobile Homes.

Under this Policy, the housing policy locational criteria under Policy 24 must be appropriate to the scale of the development. The property site is currently zoned LR5 which requires a minimum lots size of 5,000 square feet for a homesite. Applicant has consistently claimed that Parcher Park is equivalent to a subdivision, yet only three of the proposed 25 homesites exceeds the minimum lot size requirement under the LR5 designation. Such a development seems an abnormality and inappropriate when compared to the home sites of the neighborhood. In order to maintain the compatibility of the project with the existing residential developments, applicant should be required to decrease the total number of home sites in its proposal so that each mobile home site is at least 5,000 square feet, not including the roadway areas.

Policy 33A: Transportation System; Policy 34: Trafficways.

Under these two policies, the county is obligated to implement a balanced, safe and efficient transportation system which (a) protects social values and the quality of neighborhoods and communities; and (b) provides a safe, functional and convenient system. Southeast Ramona Street is classified by Multnomah County as a "local street." Because of such classification, any new development along the street should closely be evaluated to determine its impact on the capacity of the street. With such close proximity to two grade schools and the resulting bus and parent traffic, the neighbors' concern about the deleterious affect of this project on S.E. Ramona and the community is reasonable. Applicant has failed to show that its proposed development will not exacerbate the already existing traffic problems and consequently, until such a demonstration has been adequately made, the Planning Commission should deny applicant's request.

Policy 37: Utilities.

In its response to the drainage issue under this Policy, applicant states that it plans to use dry wells and contain the surface water on site. Applicant makes the further claim that the water runoff can be handled on the site and that adequate provision has been made. Applicant has failed to produce any evidence of any testing by a qualified mechanical engineer to support its claims. Until applicant has so demonstrated, the development should be denied.

Policy 38: Facilities.

Under this Policy, the appropriate school district must be provided an opportunity to review and comment on the proposal. The school district has done so and indicated that it has very serious concerns about the safety of its students due to the traffic impacts that this project will have upon S.E. Ramona Street. These concerns are well taken and substantiated by a petition and other written evidence submitted by parents and neighbors in the area. Applicant claims that Rich Butcher of the Portland Fire Department has approved the project "in concept," but has failed to supply any materials supporting such a statement.

Policy 39: Open Space and Recreation Planning.

Applicant has not addressed this Policy in its proposal. Although applicant states that each mobile home site will be required to have a private open space no less than 48 square feet, the proposed site plan contains no recreation or open areas for children to play in. Given the demographics of the area and the fact that the other mobile home parks within the vicinity have on the average .5 children per unit, it is reasonable to conclude that there will be between 12 and 15 children in this development. Consequently, with mobile home sites at such close proximity, applicant should be required to provide adequate recreational space for the children that will be tenants; as well as visitors of the older people that may inhabit the project.

Additionally, this area is within close proximity to the

Johnson Creek Basin Protection Plan being implemented by the City of Portland. This site also is within the area to be annexed by the City of Portland and, consequently, some consideration should be made to ensure that any development of the area is compatible with the Johnson Creek Basin Protection Plan. With the site being adjacent to the abandoned railroad lines and immediately southwest of Powell Butte, this area has great potential for park and other recreational use. The fact that the original subdivision is named Parcher Park, indicates that the site has always been deemed to be a place of great natural potential. The protection of the natural resources results in increased protection from natural disasters, increased sense of place, uniqueness, visual diversity and aesthetics and provides a greater education and recreation opportunity. Therefore, every effort should be made to limit this conflicting use in a manner which protects the resource.

Applicant's Requested Exceptions from the Standards or Requirements of the Underlying District Are Not Warranted and Consequently the Request Should Be Denied.

Applicant is requesting an exception to the 40% maximum space coverage requirement for mobile homes as provided under MCC 11.15.7715C. As noted in the staff report, applicant attempts to justify its request for a variance from the 40% coverage levels by stating that the typical new home is approximately 1680 square feet. When the area of the required two vehicle car - port of 480 feet and the nearly 100 square feet of a required storage shed are added to the typical new home size, the total lot coverage is in

excess of 2250 square feet. Instead of granting applicant's request for a variance of the 40% coverage parameter, applicant should be required to increase the size of the lots so that the 40% coverage limitation may be kept intact. To do otherwise would be contradictory to Comprehensive Plan Policy No. 39 which relates to open space and MCC 11.15.6216 which also relates to open space. All but three of the 25 manufactured home sites on applicant's tentative plan are less than the 5000 square feet minimum limitation under the LR 5 Zone designation. It is requested that as a condition for approval of this application, the Commission require that the minimum lot size for this project shall be no less than 7100 square feet to accommodate a 2272 square foot home plus a 480 square foot car port plus a 96 square foot storage building which would have a total lot coverage of 2848 square feet. Such a minimum lot size requirement is permitted under the discretion granted the Commission under the Plan Development Chapter of the Multnomah County Code and is consistent with the policy to maintain open space, and is consistent with the 40% maximum lot coverage requirement. Staff's analogy to conventional site built houses which allow a 50% lot coverage is inappropriate in this instance because of the specific requirements generated under the provisions of the Comprehensive Plan and the Code. Larger lot size requirements for this application would also allow for more trees to be preserved and to maintain a greater degree of the natural setting provided by this property.

Applicants narrative discussion on this topic refers to typical new home sizes but provides no data to support this position. Applicant should be required to inform the Commission what percentage of manufactured homes sold within the most recent years fall within the 1,680 square foot typical manufactured home size.

Under MCC 11.15.6206(A)(4), applicant must demonstrate that its development preserves and maintains open space in a suitable fashion. Applicant speaks grandly of the large grove of fir trees on the site but provides no data on actual number of trees in excess of six inches in diameter or how many trees will be left standing under applicant's current site plan. No park or play area is included in this project to accommodate the needs of any of the children that likely will be tenants of the project. Applicant proposes to mandate that each tenant of the park have access to an outdoor private area of not less than 48 square feet. It hardly seems reasonable for children to be expected to grow up with the backyard measuring only six feet by eight feet. Applicant should be required to set aside sufficient space within the park to accommodate playground and other open space areas for the occupant. Additionally, it is reasonable to expect that tenants will have pets which likely will be small dogs and cats and that such pets will need adequate area for hygienic purposes. In sum, the opponents suggest that applicant has failed to adequately support this proposed project by demonstrating a sufficient need to

overcome the 40% lot coverage requirement or support his requirements under the code for open space areas.

Applicant Has Failed to Demonstrate Adequate Compatibility With the Existing Natural Environment as Required Under MCC 11.15.6214.

Applicant states in its response that "every effort is being made to save as many of the large trees on the site as possible." Applicant has failed to supply any data to support such a contention. Until an inventory of the existing number of trees on the site has been prepared and compared to the number of trees that will be lost due to development, an objective determination cannot be made as to whether applicant is in compliance with this development criteria.

Applicant also states that run off water will be contained in "appropriate drywells," but again fails to substantiate the claim with any data from the verifiable and objective source. Until applicant has provided verifiable data relating to drainage, stability, and toxicity, this body cannot make an informed evaluation of the proposal. In its response to the solar exposure issue, applicant states that 84% of the home sites have a north to south setting, "thus taking full advantage of all solar advantage possible." It would seem that home sites with an east to west setting would have greater solar access.

Applicant states that "there will be very little site modification, excepting removal of trees 'where necessary' in order to place homes correctly." Again applicant fails to provide any quantitative data regarding the number of removal of trees.

Under .6214(d) applicant must address the issue of access points to the site, interior circulation patterns and the arrangements of parking areas in relation to the buildings so that the design will maximize safety and convenience and "be compatible with neighboring road systems, buildings, structures and uses." There is only one access to the proposed development and consequently there will be a significant impact onto the already overtraveled local street, S.E. Ramona. Applicant fails to provide any data substantiating its claim that the interior circulation patterns will be sufficient to accommodate emergency vehicle needs or that the parking areas will be sufficient. Although each rented space will have two parking spots, on street parking will be provided on one side of the street which will significantly diminish the actual travelable width of the road which may significantly impact emergency vehicle access when necessary.

Equally critical will be the impact of this potential development upon the neighboring road systems which concerns are justifiably brought forward by the area residents.

Inadequate Open Space Under .6216.

The Code states that open space shall not include rights of way, driveways or open parking areas. Other than the mobile home sites themselves, the proposed plan does not provide for any open areas within the project. Such a development is inconsistent with the neighborhood and contrary to requirements under this Code provision. As stated in subpart C of this Code, "open spaces

containing natural features worthy of preservation may be left unimproved * * * to assure protection of the features." If, as applicant contends, the existing trees are of such value, then the precise number of trees which will remain standing after development should be known before the project is approved. Contrary to Staff's claim that the proposed site layout "maximizes safety and convenience and displays a compatible design with the neighboring road systems," the development of this project will have a deleterious affect on the road and safety of the children attending Gilbert Park Elementary School which is immediately opposite the project. The Commission should consider requiring that the applicant insure that proper open spaces within the development be maintained by dedicating such open spaces as may be appropriate by the recording of covenants or restrictions on the project.

Additional Concerns.

As evidenced by first hand documents prepared by adjoining land owners, a portion of the proposed site once was the site of an illegal dump. Before applicant's request is approved, applicant should be required to demonstrate that the area is free from toxic and hazardous wastes.

Summary.

On behalf of Don Rhyne and the other affected land owners and parents of children attending Gilbert Elementary School, this Memorandum is submitted to the Planning Commission as a written

Memo to Multnomah County Planning Commission
November 1, 1991
Page 18

statement in opposition to the application. The primary concerns involve maintaining the site in a compatible nature with the neighborhood by maintaining as many trees as possible, the traffic impact on the already congested Ramona Street, the high water table of the subject property, and the potential that the site includes toxic or hazardous waste resulting from its use as a former dump. It is requested that the Planning Commission deny the application on the grounds that applicant has failed to demonstrate the public need for the requested change in the classification of the property in question and that applicant has failed to demonstrate that the action fully accords with the applicable elements of the comprehensive plan and other provisions of the Multnomah County Code. As an alternative to denial of the application, it is requested that the Commission not allow applicant's request to increase the 40% site coverage maximum but instead require applicant to increase the lot size of the site to maintain the 40% parameter and require that applicant demonstrate with particularity that the subject property is free from toxic and hazardous waste,

Memo to Multnomah County Planning Commission
November 1, 1991
Page 19

has adequate drainage and is not part of a high water table, and
reduce the total number of units in the plan to reduce the traffic
impact on the sole means of access.

Submitted on behalf of Don Rhyne

Gregory G. Lutje

Gregory G. Lutje, Attorney
Schwabe, Williamson and Wyatt
Pacwest Center, Suites 1600-1950
1211 S.W. Fifth Avenue
Portland, OR 97204-3795

**SCHWABE
WILLIAMSON
& WYATT**

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1950

1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795

TELEPHONE: 503 222-9981 • FAX: 503 796-2900 • TELEX: 4937535 SWK UI

GREGORY G. LUTJE

DIRECT LINE: 503 796-2866

November 18, 1991

Mr. Richard Butcher
City of Portland Fire Department
55 S.W. Ash
Portland, Oregon 97204-3590

RE: Statements of Charlie Swan Relating to Fire
Department's Approval of Mobile Home Park Circulation
Plan

Dear Rich:

This letter is a follow-up to our recent telephone conversation regarding the above referenced matter. As we discussed, I am enclosing with this letter copies of materials that were presented by Mr. Swan to the Multnomah County Planning Commission. These materials include: (1) a memo dated July 5 to you from Mr. Swan; (2) a memo dated August 1 from Mr. Swan to Mark Hess, County Planner; and (3) copies of pages (#4 and #14) from Mr. Swan's development plan. I believe that the representations made by Mr. Swan to the Commission in these materials may not be accurate and I request your assistance in setting the record straight as to what actually occurred.

As you are aware, Mr. Swan is attempting to obtain a zone change from the County to allow him to construct a mobile home park near South East 133rd and Ramona Street. One of the requirements for obtaining such an approval is a presentation of a preliminary development plan which includes a narrative description of the program elements, one of which relates to access and circulation.

The text of a portion of page #4 to enclosure item (3) states that:

"Rich Butcher, ... verbally approved circulation as shown in the 'Tentative Plan of Parcher Place, {in so far as the fire department is concerned,}' ... as presented to Mr. Butcher, at his office 9:40 A.M. July 5, 1991."

Mr. Richard Butcher
November 18, 1991
Page 2

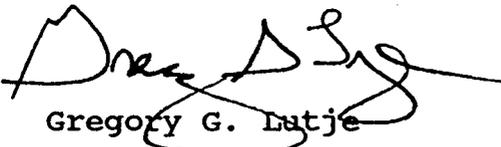
In addition, Mr. Swan states on page #14 of enclosure item (3), that "Rich Butcher of the Portland fire prevention division has approved the project in concept." This comment was given in response to a requirement under the County's Comprehensive Plan Policy 38- Facilities, that fire protection districts be provided an opportunity to review and comment on proposals.

As I understand what really happened, you did consult with Mr. Swan about the location and number of fire hydrants that would be necessary for the project, but you or your department do not, and did not in this case review, comment or approve the project's circulation pattern as indicated by Mr. Swan in enclosure items (2) and (3).

I also wish to confirm that Don Patty is with the portion of the Fire Department that evaluates and approves circulation patterns, and that to date, he has not seen or is in a position to evaluate the adequacy the circulation patterns of Mr. Swan's plans.

If the contents of this letter are in accord with your understanding of the events, then I request that you, and perhaps Mr. Patty, write a letter to the Multnomah County Planning Commission, in care of Mark Hess, County Planner, in which you inform the Commission of your position regarding Mr. Swan's statements to the Commission. I am also enclosing a copy of the Notice for the Hearing on December 2 which includes the relevant information for your letter. Please copy me with any correspondence which you send and contact me if you or Don have any questions.

Very truly yours,



Gregory G. Latje

cc: Mark Hess (w/ encl.)
Don Rhyne (w/encl.)

7-5-91

COPY

To: Rich Butcher
Fire Inspector City of Portland
55 S.W. Ash
Portland, Oregon 97204-3590
823-3769

From: Charlie Swan
P.O. Box 22231
Milwaukie, Oregon 97222
654-5313
652-7056 = Fax

Subject: Parcher Place, a to be built Manufactured Housing
community, located @ 13303 S.E. Ramona, Portland.

Hi: Thank you for being able to meet with me this
morning on such short notice. It is my goal to be able to
complete this project, prior to the beginning of the Portland
monsoon season. Every day I can gain through the permit process
truly helps. In the event I misunderstood anything from our
meeting, please contact me immediately in order that we may
resolve the problem.

CONFIRMING OUR MEETING OF 7/5/91 9:40 A.M. THIS DATE;

THE FOLLOWING ITEMS ARE SATISFACTORY:

1] One fire hydrant only, located on the North
West corner of lot one, will be satisfactory for the entire
development as presented. Please find map attached.

2] It is my hope to build the streets with an
inverted crown. Street width shall be, 28' of asphalt to 4'
sidewalks on one side of the street & 1.5' concrete, "step out
strip" on the other side. Parking permitted on one side of the
street only. {Hard surfaced street/sidewalk/stepout width 33.5'
total.} The "hammerhead" turn around, as presented, will be
satisfactory. Copy of map attached.

3] The fire hydrant will be fed by a 6" line
from the substantial Gilbert Water District line now located in
South East Ramona & 133 rd.

Thanks



Charlie Swan
CC: Mark Hess, Multnomah County Planning
Wm. Bill Ringnalda L.S. P.E.

RECEIVED

JUL 9 1991

Multnomah County
Zoning Division

IAN PROPERTY 3

Charlie Swan

(503) 654-5313 Office
(503) 652-7056 FAX

Box 22231

Milwaukie, Oregon 97222

Urban Design, Planner
Multnomah County Oregon
2115 S.E. Morrisson St.
Portland, Oregon 97214

From: Charlie Swan
P.O. Box 22231
Milwaukie, Oregon 97222
654-5313

Subject: Parcher Place, a proposed manufactured housing
community located @ 13303 S.E. Ramona, Portland,
Oregon.

Hi: I had been out of town so I did not receive your
7/22/91 letter until 7/30/91. Had I been in town, I would have
responded immediately to your position on street vacation and
not lost the critical month. This planning delay will cost me
somewhere between \$12,000 & \$15,000. I am not pleased about
this, however, it appears this delay could not have been easily
avoided. On to the subject at hand.

CONFIRMING OUR CONVERSATION AT THE COUNTER @ 4:10 P.M. YESTERDAY
7-30-91.

1) Street vacation must have staff support or be completed
before we can proceed with the conditional use process.

Note: Rich Butcher, Fire Inspector, City of Portland has
accepted the design as submitted concerning fire
apparatus, traffic flow and equipment movement.

2) In the event John Dorst, {Multnomah County R/W
supervisor}, will support the design as submitted, you
will support, or at least not oppose, the design of the
project as submitted, in so far as traffic flow is
concerned and will not "require" a circle turn around.

3) If you are going to permit me to proceed, I will have
to submit an application for street vacation.

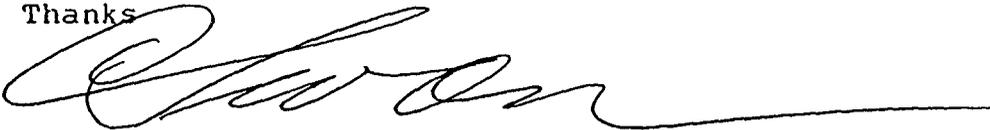
Response: I shall submit the proper letter within the next few days.

Submittal of this request, has been substantially delayed due to a "changing of the guard", and my ten day vacation. My daily appointment record indicates, I first spoke with Dick Howard concerning this project on June 7, 1991.

I am glad the street vacation process issue has been resolved.

In the event you feel there is a misunderstanding concerning any of the above points, please contact me immediately in order that we may resolve any differences forth with.

Thanks



Charlie Swan

CC: Janes Waggoner P.C.

John Dorst

Bill Ringnalda P.E. L.S.

RECEIVED

AUG 2 1991

Multnomah County
Zoning Division

oversized large lot. This coverage seems reasonable to me.

In the event of 40% coverage, a very large portion of the new publicly accepted product would be eliminated. Parcher Place would be permitted to accept only smaller homes which would discriminate against the typical buyer.

Our typical buyer of the new manufactured housing product is a 62 year old couple. These people are discovering the new manufactured housing product is of a quality level that did not exist, even a few years ago, and they like it.

I would like to request that the lot coverage standards for Parcher Place be increased from 40% to 50%.

I firmly believe this lot coverage increase will vastly improve the livability of Parcher Place.

RECAPITULATION: The flexibility of the planned development concept would permit lot coverage to be increased from 40% to 50%. Please do so.

Now, back to the subject at hand.

b. Means of access, circulation and parking.

Response

Access is from S.E. 133rd and Ramona via a private, landscaped, entrance road.

Circulation is conventional.

Rich Butcher, Fire Inspector, City of Portland
55 S.W. Ash Portland, Oregon 97204-3590
823-3769 verbally approved circulation as shown
on the "Tentative Plan of Parcher Place, {in so far
as the fire department is concerned,} a mobile
home park," drawn by WM. F. Ringnalda P.E. L.S.,
as presented to Mr. Butcher, at his office
9:40 A.M. July 5, 1991. See exhibit "B"

Each space shall have 12' X 40', off street covered parking which is generally satisfactory for two cars.

Additional parking will be permitted on one side of the street only. See exhibit "B"

I. Communications facilities are available.

Response Yes Both Phone & cable T.V. systems are in place at this time.

Policy 38 Facilities

School

A. The appropriate school district has had an opportunity to review and comments on the proposal.

Response No, however I will make these inquiries and have their response available prior to the time of the public hearing.

Fire Protection

B. There is adequate water pressure and flow for fire fighting purposes;

Response Yes

C. The appropriate fire district has had an opportunity to review and comment on the proposal.

Response Yes Rich Butcher of the Portland fire prevention division has approved the project in concept.

Police Protection

D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

Response I believe it can however this fact has not been confirmed at this time. I will confirm this situation prior to the up coming public hearing on this project.



Notice of Public Hearing Planning Commission

Department of Environmental Services
Division of Planning and Development

2115 SE Morrison Street
Portland, Oregon 97214

You are invited to attend or send written comment regarding a public hearing to be held on the following item on the date and at the time and place indicated below. The exact time may be later depending on the agenda schedule. The hearing will be conducted pursuant to the Planning Commission's *Rules of Procedure* (enclosed). All interested parties may appear and testify. Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Planning Commission an opportunity to respond to the issue precludes appeal to LUBA on that issue.

A recommendation on the item will be announced at the close of the hearing, or upon continuance to a time certain. A written recommendation will be filed with the Clerk of the Board of County Commissioners within ten days of the announcement. Recommendations may be appealed to the Board of County Commissioners by either the applicant or those opposed. Appeals must be filed with the Division of Planning and Development within ten days after the decision is filed with the Clerk of the Board. Appeal forms are available at 2115 SE Morrison Street.

A Staff Report will be available at no cost seven days prior to the hearing. All materials submitted by the applicant will be available for inspection at least 20 days prior to the hearing, and may be purchased at reasonable cost. For further information, call Sharon Cowley at 248-3043.

Planning Commission Members: Al-Sofi - Atwill - Douglas - Fritz - Fry - Hunt - Ingle - Leonard - Yoon

Date: 12/02/91 Time: 6:20 p.m. Place: Room 602, Multnomah County Courthouse

PD 2-91, #427 Low Density Residential, Planned-Development District Line 2.
(25-Lot Manufactured Housing Development)

Applicant requests change in zone designation from LR-5, low density residential district to LR-5, P-D, planned-development, for a proposed 25-lot manufactured housing development, to be maintained in private ownership.

The Planning Commission opened the hearing on October 7, 1991, and continued the matter to December 2, 1991 to consider additional evidence regarding traffic, soil conditions, density, and other issues regarding the proposed site design.

Location: 13303 SE Ramona Street

Legal: Lots 2 and 3, Plus North 7,179 Square Feet of Tax Lot '59',
Plus North 4,600 Square Feet of SE 133rd Place (being vacated),
All in Block 1, Parcher Park, 1990 Assessor's Map

Site Size: 142,905 Square Feet (Approximately 3.281 Acres)

Size Requested: Same

Property Owners: Marilyn Blackwell 13235 SE Ramona Street, 97236

Applicant: Charlie Swan, PO Box 22231, Milwaukie, 97222

Comprehensive Plan: Low Density Residential

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

Sponsor's Proposal: LR-5, P-D, Low Density 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.

MC 49-62

3544

Zoning Map
Case #: PD 02-91, #427
Location: 13303 S E Ramona Street
Scale: 1 inch to 200 feet
Shading indicates subject property

LR-10

SE 135TH AVENUE 1/2

SE 136th AVENUE 1/2

SE ELLIS

LR-10

R-

Abandoned Railroad

(Formerly Portland Traction Company)

DRL & P CO

LR-5

LR-5

LR-10

SC

GILBERT PARK

SE RAMONA STREET

GILBERT PRIMARY SCHOOL

LR-5

LR-5

KNIGHT

CS

MR-4

CS

CS 10-63
MR-4
CS 36-57
CS 13-66

SE 136th AVENUE

MR-4

MR-4

LR-5 C

CS 1410-62

CS 35-60

MC

PETITION OF PROPERTY OWNERS OPPOSING ZONE DESIGNATION CHANGE FROM LR-5 TO LR-5, PD AT 13303 S. E. RAMONA STREET

PD 2-9b
Opponent's
Exhibit B
Dated 10/7/91

We, the undersigned, oppose a change in the designation of the zone on property located at 13303 S.E. Ramona, Portland, Oregon. We believe the development of a manufactured home park at this location would endanger the residents in the area by dramatically increasing traffic on Ramona Street, which adjoins Gilbert Park Elementary School. The density in our neighborhood already is too great due to the approval of at least two large mobile home parks in the immediate vicinity. We feel the park will adversely effect our neighborhood by making significant demands on already overtaxed services, including Gilbert Weed School, social agencies, fire and police services

PARK

NAME	ADDRESS	DATE
1 Richard St. Clair ^{on dist 10-7-91}	13132 S.E. Ramona Gilbert Park	10-1-91
2 [unclear]	11515 SE [unclear] Portland	10-1-91
3 Tim J. [unclear]	13717 SE Knight Portland OR	10-1-91
4 [unclear]	7340 SE 118th Portland OR	10-1-91
5 [unclear]	12140 SE [unclear]	10-1-91
6 [unclear]	14040 SE Raymond	10-1-91
7 Jerry Anderson	495 Collins Crest Gladstone	10-1-91
8 Dean Keefe	21845 W. 7th Ct.	10-1-91
9 [unclear]	5731 SE 128th Portland OR 97236	10-1-91
10 [unclear]	7601 SE 105th Portland OR 97236	10-1-91
11 [unclear]	13716 SE Ramona Portland OR 97236	10-1-91
12 Lina Lyon	3710 SE Jefferson Milw. OR 97130	10-1-91
13 [unclear]	8102 SE [unclear] Suite 72, Portland OR 97266	10-1-91
14 Marianne E. Shoom	4030 S.W. Campus Portland	10-1-91
15 Mary Ann Elliott	69242 E. Brightwood Lp. Rd - Brightwood OR	10-1-91
16 [unclear]	64242 E. Brightwood Lp Rd - Brightwood OR	10-1-91
17 [unclear]	7539 SE 110th Av Portland OR	10-1-91
18 Michael P. [unclear]	13055 SE Cora Pktd OR 97236	10-1-91
19 Valerie [unclear]	12621 SE Division Pktd OR 97236	10-1-91
20 [unclear]	5723 SE Division Pktd OR 97236	10-1-91
21 [unclear]	12658 SE Boise Pktd OR 97236	10-1-91
22 [unclear]	6505 SE 140 Portland	10-1-91
23 [unclear]	1211 SE Martin Portland	10-1-91
24 [unclear]	12300 SE [unclear] Portland	10-1-91
25 Jack Vahey	6137 SE 128th	10-2-91
26 [unclear]	6225 SE 128th Portland	10-2-91
27 [unclear]	6225 SE 128th Portland	10-2-91
28 [unclear]	6007 SE 128 Portland	10-2-91
29 Isabal Rivera	5804 SE 136th A Portland	10-2-91
30 [unclear]	5731 SE 128th Portland	10-2-91

Meeting 6:00 - 10/7 Mon

PETITION OF PROPERTY OWNERS OPPOSING ZONE DESIGNATION CHANGE FROM LR-5 TO LR-5, PD AT 13303 S. E. RAMONA STREET

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NAME	ADDRESS	DATE
31 ^{0 PM} Perry Lynn	13133 SE Ramona	9/30/91
32 Chrissy Suito	5424 SE 130th Place	9-30-91
33 Debbie Carlone	5157 SE 130th Pl.	9-30-91
34 V. Bentha	12933 SE Ramona	9-30-91
35 TIM BROST	12919 S.E. Ramona	9/30/91
36 Carol Williams	12905 SE Ramona	9/30/91
37 KUHARA ROBINSON	12845 SE. RAMONA ST	9/30/91
38 A.J. LUCHINI-ROBINSON	12845 SE. RAMONA ST.	9/30/91
39 Bernice E. Barr	12810 SE Ramona St	9/30/91
40 Richard G. Carr	12810 SE Ramona St	9/30/91
41 Jean Hedley	12946 SE Ramona	
42 Elizabeth B. Bunker	5760 SE 130th PLACE	9-30-91
43 Glad D. Danner	5736 SE 130 PL.	9-30-91
44 Linda Mudder	13429 SE Ramona St.	10-1-91
45 Clayton Mudder	13429 SE Ramona Port.	10-1-91
46 Sean D. Rauska	19409 SE Ramona 2	10-2-91
47 Virginia M. Farnon	13453 S.E. Ramona Portland	10-1-91
48 Laura Craun	13452 SE Ramona PDX OR	10-2-91
49 Roger Cochran	12420 SE. Ramona Port.	10-1-91
50 Lindi Corbett	13336 SE Ramona	10-1-91
51 Theresa Martinez	13316A Se Ramona	10-1-91
52 Jamie Batten	13316 SE Ramona	10-1-91
53 Lynn A. Jacobs	13246 SE Ramona	10-2-91
54 Julie Hildreth	13141 SE Ramona	10-1-91
55 Chad Janning	5712 SE. 130th	10-1-91
56 Linda Lippman	5933 SE 128th	10-2-91
57 S. B. Bader	6107 SE 128th	10-2-91
58 Paula Kiehl	6107 SE 128th	10-2-91
59 Debra McClellan	6115 SE 128th	10-2-91
60 Steve & Jan Corvini	6134 SE 128th	10-2-91

PETITION OF PROPERTY
 OWNERS OPPOSING ZONE DESIGNATION
 CHANGE FROM LR-5 TO LR-5, PD
 AT 13303 S. E. RAMONA STREET

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NAME	ADDRESS	DATE
61 Michele Ross ✓✓	6026 SE 138th Pl	10/4/91
62 Michael & Gross	14135 SE Steele	10/4/91
63 Tami Pamber	7715 S.E. Doniphon	10/4/91
64 Jerry Tholal	8041 SE 147th Dr.	10-4-91
65 Elizabeth A. Roberts	12314 S.E. Reedway	10-4-91
66 Judy Gunn ✓	1143 Kruit.	10-4-91
67 Cynthia R. Way	131037 St. Foster	10-4-91
68 Nancy Beam	13541 SE Claybourne	10-4-91
69 Diana DeBrag	7974 SE Deardriff	10-4-91
70 Dena Moggi ✓	12187 SE Henderson Dr.	10-4-91
71 Denise Pratt	14045 SE Ellis	10/4/91
72 Lou C. Gordon	5732 16 130 Pl	10-5-91
73 Howard R. Ordover	5748 SE 130th	10-5-91
74 Carl Russell	12841 SE Ramona	10-5-91
75 Fred Jacobs	5933 SE 128th	10-5-91
76 Elizabeth ✓	6027 SE 128th PDX	10-5-91
77 Steve Turner	6027 SE 128th PDX	10-5-91
78 Leo J. Dewitt	6110 S.E. 128th Ave	10/5/91
79 David Henssies	6128 S.E. 128ave	10/5/91
80 Carolee Pugh	6140 SE 128 Ave	10/5/91
81 Wanda B. Wines	6128 SE 128th AVE	10/5/91
82 Diane M. Wymen	6028 SE 128th Ave	10/5/91
83 Irma J. Olson	6000 SE 128 ave	10/5/91
84 Amy T. Johnson	5904 SE 128th	10-15-91
85 Jorimarie Horowitz	12849 SE Ramona	10-5-91
86 John De Jong	12928 S.E. RAMONA	10-5-91
87 Pat Brook	12919 SE Ramona	10-5-91
88 David A. Boyer ✓	12919 S.E. Ramona	10-5-91

PETITION OF PROPERTY
OWNERS OPPOSING ZONE DESIGNATION
CHANGE FROM LR-5 TO LR-5, PD
AT 13303 S. E. RAMONA STREET

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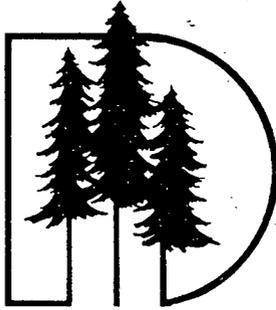
NAME	ADDRESS	DATE
89 Jeff Dora	12807 SE Ramona	Sept 30, 91
90 [unclear]	10226 SE 128	October 2, 91
91 Dennis Hildreth	13141 SE Ramona	Oct 2-91
92 Rafaela M. Moffett	13624 SE Ramona	10-2-91
93 Jim Dodson	13711 SE Ramona	10-2-91
94 Emily Dodson	13711 S.E. Ramona	10-2-91
95 Crystal Hukey	6424 SE 128	10-2-91
96 [unclear]	12518 SE ELLIS	10-2-91
97 [unclear]	13345 SE RAMONA	10-2-91
98 Gail M. Turley	13333 SE Ramona	10-2-91
99 [unclear]	13505 SE Glenwood St	10-2-91
100 [unclear]	5731 S.E. 128th	10-2-91
101 Mable J. Fleckmann	6725 SE 135th 97236	10-2-91
102 N. Moulton	10419 SE Mt. Scott 97266	10-2-91
103 [unclear]	7111 SE 116th 97266	10-4-91
104 [unclear]	6550 SE 128th 97236	"
105 Oodi Lyons	13115 SE Foster #20 97236	10-4-91
106 [unclear]	13339 SE Raymond 97236	
107 Michael S. Duggan	6014 SE 138th pl 97236	10-4-91
108 Mandy Seher	6545 SE 142nd 97236	10-4-91
109 Florence Angell	7842 S.E. 103rd 97266	
110 Dawn Denniston	11741 SE Foster rd 97266	10-4-91
111 Sadana & Chuck Dice	13129 SE Ramona	10-4-91
112 Leo Haerer	13345 S.E. Ramona	10-4-91
113 M. Kline	13133 SE Ramona	10-7-91
114 Joseph Russell	12841 SE Ramona	10-7-91

PETITION OF PROPERTY
 OWNERS OPPOSING ZONE DESIGNATION
 CHANGE FROM LR-5 TO LR-5, PD
 AT 13303 S. E. RAMONA STREET

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NAME	ADDRESS	DATE
142 Ann Snyder	13505 S.E. Glenwood St. Portland	10-2-91
143 Robert Green	6722 S.E. 135 th Port. 97236	10-3-91
144 J. A. Green	6722 SE 135 th Port. 97236	10-3-91
145 Thomas S. Z. Johnson	6725 SE. 135 th Port 97234	10-3-91
146 Shenee Robinson	13501 S.E. Glenwood Port 97236	10-3-91
147 Shawn Johnson	6803 SE 135 th	10-3-91
148 Bryce Watson	6833 S.E. 135 th	10-3-91
149 Leonard Keith	6839 SE 135 th	
150 Kimberly Johnson	6840 SE 135 th	10-3-91
151 Terri Green	" "	" "
152 Candy M. Adams	6830 SE 135 th	10-3-91
153 Olga Meadams	6830 SE 135 th	10-3-91
154 Patricia Nesbitt	6870 S. E 135 th PORT. OR 97236	10/3/91
155 Mike Nesvick	6820 S.E. 135 th PORT. OR 97236	10/3/91
156 Cam Bossard	6810 SE 135	10/3/91
157 Marlon Bossard	6810 SE 135	10/3/91
158 Walter J. Villen	13431 SE Glenwood	10/3/91
159 The Jones	13431 SE Glenwood	10-3-91
160 Greg Huff	6638 S.E. 134 - Portland, OR	10-3-91
161 Kim Preager	13421 SE Glenwood PORT. OR	10-3-91
162 Ralph Preager	13421 SE Glenwood Port OR	10-3-91
163 John D. Williams	13416 SE Glenwood St. Portland	10-3-91
164 Hendy Dawkins	13416 S.E. Glenwood St. Portland	10-3-91
165 Jan Duma	13424 S.E. Glenwood	10-3-91
166 John D. Williams	13501 SE Glenwood port. or.	10/3/91
167 Sharon L. Shanley	13526 SE. Glenwood port OR	10/3/91
168 Rozzy E Hart	11904 SE brookside Dr. Port OR	10/4/91

BOARD OF DIRECTORS
Larry Griffith, Chairman
Mike Centoni, Vice Chairman
Frieda Christopher
Don Larson
Rod Monroe
Jim Olsen
Jeff Reardon



DAVID DOUGLAS PUBLIC SCHOOLS MULTNOMAH CO. DISTRICT NO. 40
GILBERT PARK ELEMENTARY • Richard St. Claire, Principal • 13132 SE Ramona St., Portland, OR 97236 • 256-6503

October 2, 1991

Division of Planning and Development
Multnomah County
2115 S.E. Morrison St.
Portland, Or. 97214

*PD 2-91
Opponent p
Exhibit C
Dated 10/7/91, PC*

Dear Sir:

The proposed 25 lot manufactured housing development planned for the area adjacent to 13235 S.E. Ramona St. poses a concern to myself and our parent organization. Gilbert Park Elementary School currently serves 563 students who access the school primarily on Ramona Street either by bus or walking. The paved area of the street is 18' 4" with no established sidewalks. Outlets from Ramona Street are limited in that the only thru streets intersect Ramona at 128th and 136th which tends to funnel traffic by the school located at 131st and Ramona. Alice Ott Middle School, located at 123rd and Ramona, also contributes to the traffic by our school, but 128th and 122nd relieve some of the congestion.

Prior to approval of the development, I suggest the Planning Commission address the issue of student safety. Twenty five units will have the capacity of adding 100 trips per day to Ramona Street. (Based on 4 trips per day per unit - one car per unit.) A prior planning commission did address this issue on Feb. 9, 1987 when they approved a 31 unit, later expanded to 51 units, mobile home park located on 12928 S.E. Ramona. "The concerns of the neighbors regarding pedestrian and vehicular access to S.E. Ramona Street are elevated due to the removal of all but emergency access to that street, while the safety of the residents is protected through the provision of Fire Department approved crash gates." Our level of concern was high at that time as 462 students accessed the school on Ramona Street. As of Sept. 3, 1991 our student population has increased by more than 100 students (563) and we do not see an alternative route for the additional traffic generated by the new development. Please consider the safety of our students prior to approving the proposed manufactured housing development.

The School District is aware of its responsibility to serve all children within the District, but Gilbert Park Elementary School is presently at its capacity to adequately serve students. If the manufactured housing development is approved, children from the development may be transported to a less populated school. Copies of this letter will be sent to the property owner and applicant as prior notice of our intent to meet the educational needs of the children in the new development.

Sincerely,

Dick St. Claire
Dick St. Claire, Principal
Gilbert Park Elementary School

RECEIVED
OCT 4 1991

Multnomah County
Zoning Division

Learning today for living tomorrow . . . David Douglas Schools

TO: MULTNOMAH COUNTY
DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING + DEVELOPMENT

9-27-91

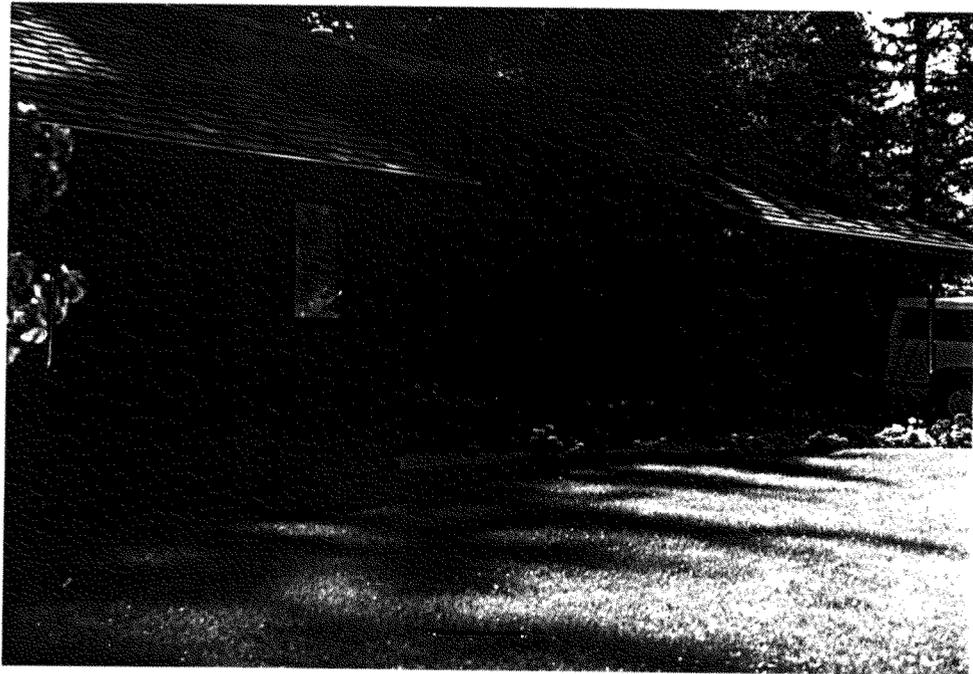
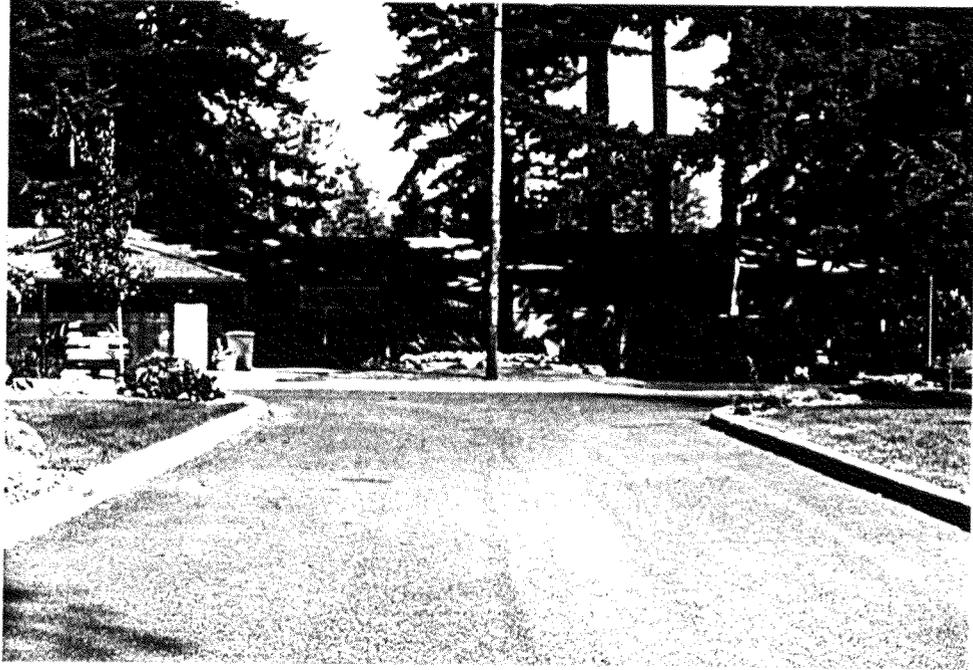
FN REF. TO: PD 2-91 #427
13303 SE RAMONA ST.

THIS LETTER IS TO NOTIFY MULTNOMAH COUNTY
THAT THERE HAS BEEN A (SOLID WASTE) GARBAGE
DUMPING AREA IN THE EAST END OF THE PROPOSED
PD DEVELOPMENT! A SUBSTANTIAL AMOUNT OF FILL WAS
DUMPED OVER ENTIRE AREA! THIS INFORMATION WAS
GIVEN TO ME BY JOHN PARCHER (CO. OWNER) OF
PROPERTY, AND SEVERAL SURROUNDING NEIGHBORS! IT
IS MY OPINION THAT THIS NEEDS TO BE CHECKED
OUT, BEFORE ANY IMPROVEMENTS OR DEVELOPING IS
STARTED! I ALSO NOTIFIED D.E.R. COMPLAINT SECTION
FOR MULTNOMAH COUNTY, I OWN PROPERTY ADJUTING AREA!

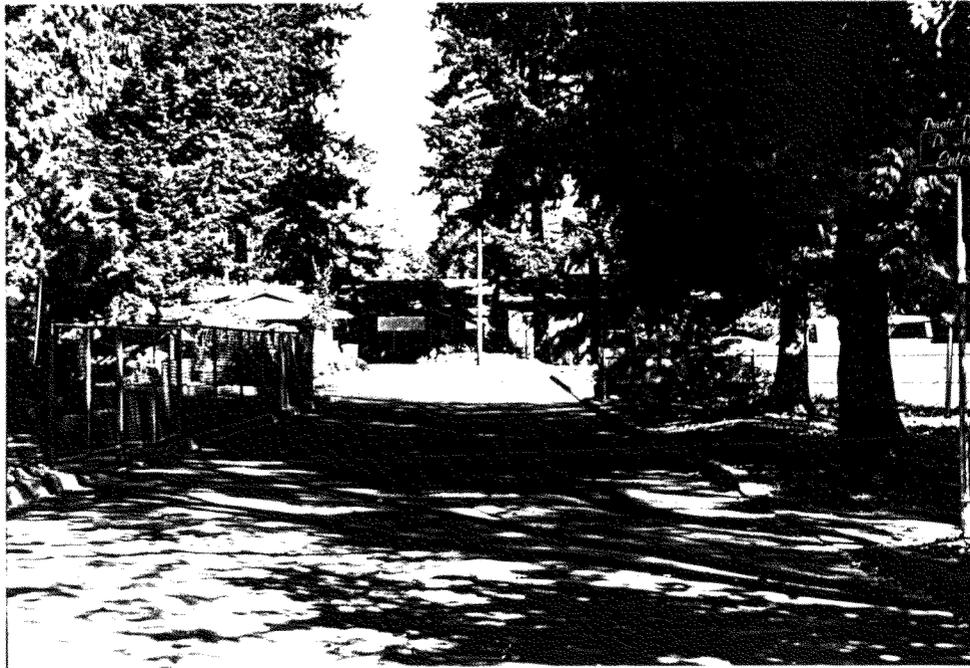
THANK-YOU FOR YOUR TIME

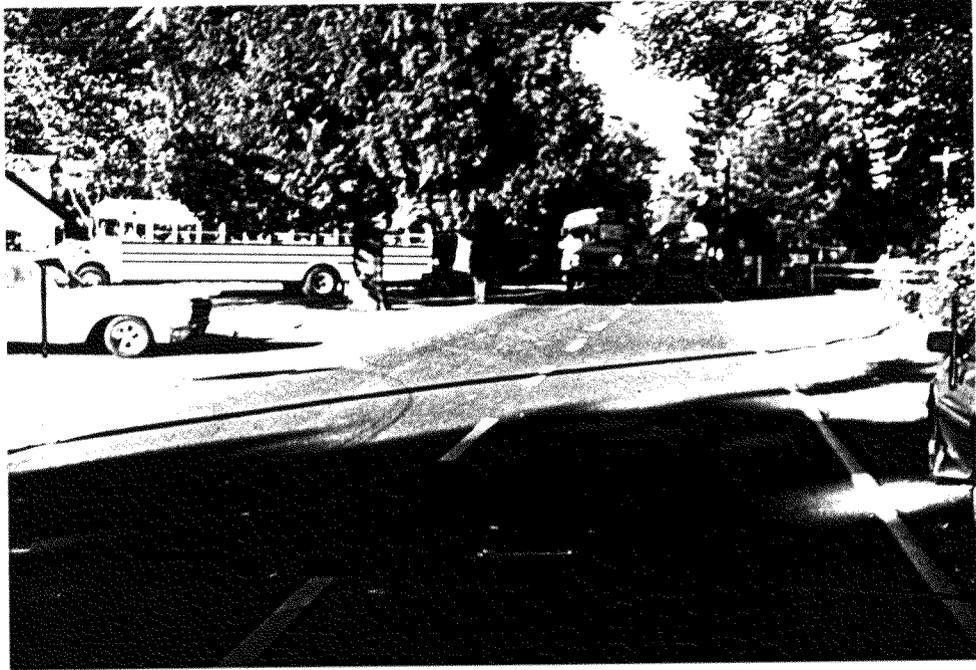
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Multnomah County
Permits Section

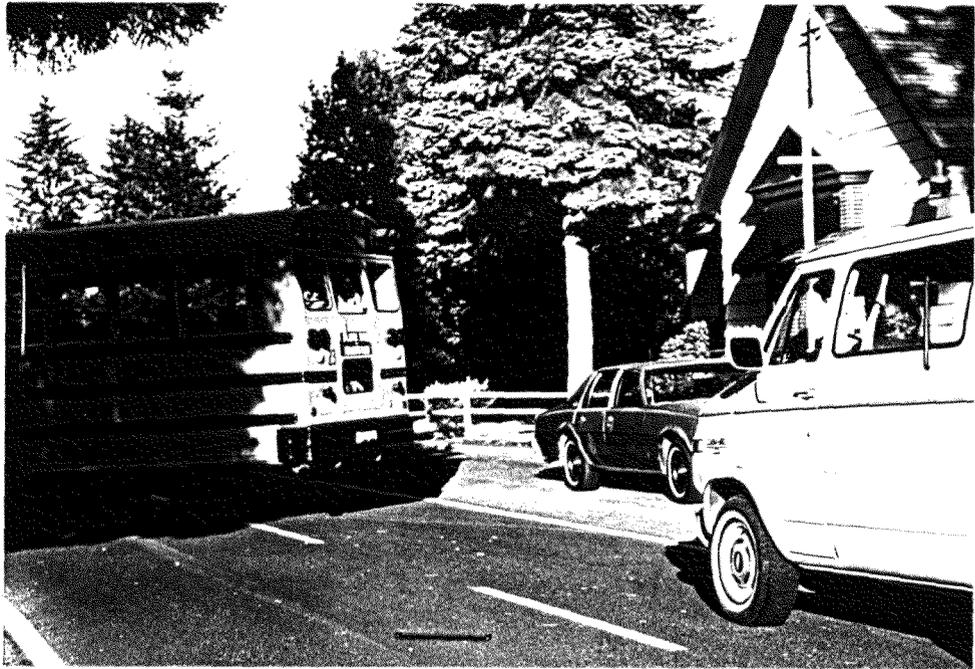
Chris White
254-6358
13129 SE RAMONA













PD 2-91
Apparent's Ex Exhibit #
Dated 10/7/91
Submitted by
Chuck Wise



TO: MULTNOMAH COUNTY PLANNING COMMISSION

RE: PD 2-91, #427

PD 2-91

Written Affidavit to Open Record

AFFIDAVIT OF DEBBIE HAUER

STATE OF OREGON)
)
County of Multnomah) ss.

I, Debbie Hauer, being first duly sworn, do depose and say:

1. I have lived at 13345 S.E. Ramona, Portland, Oregon 97236 for approximately 34 years.

2. My grandparents, the Henry Alberts, owned the Parcher property for 20 of the 34 years that I have lived here.

3. I can see the Parcher property from my back yard which is at the West end of my property.

4. I have had personal knowledge of garbage dumping on the property from 1963 to 1986. Although I am not proud of the this fact, I have personally observed or taken part in garbage dumping on that particular piece of property and have witnessed dumping on the property by members of my immediate family as well as by friends and neighbors.

5. I have personally seen the following refuse dumped on the Parcher property in the gully: tin, roofing, paper, glass, old paint cans, paint thinner, cans, metal boiler, hot water heaters, clothes washer/dryer, plastic bleach bottles, yard debris, styrofoam and old motor oil.

6. After Mr. Parcher bought the property, I personally witnessed him dump rubber tires and many pickup loads of refuse of

unknown origin. In later years the dumping by Parcher has been on the West side of his property, farther from my property line.

7. I have seen many dump trucks come to the Parcher property, in the last 1-2 years. They were hauling rocks and dirt and dumped their loads in the gully which is the area previously used to dump household refuse.

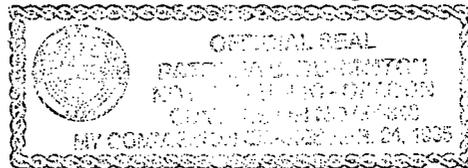
8. I have not seen any garbage removed from the property since Parcher purchased the land.

Debbie Hauer
Debbie Hauer

STATE OF OREGON)
) ss.
County of *Multnomah*)

This instrument was acknowledged before me this 1st day
November
of ~~October~~, 1991, by Debbie Hauer.

Patricia S Roughton



NOTARY PUBLIC FOR OREGON
My Commission Expires: April 24, 1995

RECEIVED
NOV 1 1991

MEMORANDUM IN OPPOSITION TO PLANNED DEVELOPMENT APPLICATION

TO: Multnomah County Planning Commission
FROM: Greg Lutje, on behalf of Don Rhyne
RE: PD 2-91, #427; Application for 25 manufactured housing development at 13303 S.E. Ramona Street (Parcher Park)
DATE: November 1, 1991

*PD 2-91
Written Comment
on Open Record*

This memorandum is submitted pursuant to MCC 11.15.8225 on behalf of Don Rhyne who is the owner of real property immediately adjacent to the proposed development site. As provided by the Planning Commission during the hearing on October 7, 1991, the opportunity for submission of written statements was left open until the close of business on November 1, 1991. This memorandum will provide evidence and argument against the application under review and contain facts showing the manner in which the interests of Don Rhyne will be adversely affected by a decision contrary to Mr. Rhyne's position on the application.

As indicated in the Staff Report dated October 7, 1991, the Planning Commission's action on the application shall be based on findings that several criteria have been satisfied. The first of these criteria is satisfaction of the requirements under MCC .8230(D)(3), which requires the applicant to fulfill its burden to persuade the Planning Commission that the proposed action fully accords with the applicable elements of the Multnomah County Comprehensive Plan.

Applicant Has Not Adequately Demonstrated That The Application Fully Accords With The Comprehensive Plan.

Under Policy 2, this body must apply conditions to its approval of land use decisions where it is necessary to protect the public from the potentially deleterious effects of the proposed use. The following discussion will demonstrate why the proposed development does not meet all required standards, and its off-site effects on the surrounding properties or the community warrant appropriate conditions to approval to minimize those effects.

Policy 13: Air, Water, Noise Qualities.

On page 2 of the portion of the application addressing the various policies of the Comprehensive Plan, applicant states that

"storm drainage will be maintained, insofar as possible, on site. Rainwater will be captured in rain gutters, channeled to the inverted crown streets and then carried to property size dry wells. All of this is located on the property. We have every reason to believe that dry wells will do a satisfactory job as the soil in the area percolates very well."

This claim of storm drainage capacity and soil percolation should be substantiated by an adequate demonstration that applicant has tested and engineered the dry wells sufficiently to warrant this development. The coverage of the land area by the streets, mobile home sites and other improvements will significantly reduce the area of soil eligible for water percolation and applicant should be required to demonstrate the adequacy of his claims upon this issue.

Policy 14: Development Limitations.

Under this policy, the county is committed to direct development away from areas that may have a "high seasonal water table within zero to 24 inches of the surface for three or more weeks of the year; and a fragi-pan less than 30 inches from the surface." During testimony provided at the October 7 hearing, several landowners in the area testified as to the existence of a high water table within the general area of the subject property. As a condition for approval, applicant should be required to provide verifiable evidence that the subject property is not subject to water table or fragi pan problems. Applicant's answers of "no" to the questions does not sufficiently demonstrate that applicant has verified the claim with sufficient evidence.

Under Strategy D2, Policy 14 of the Comprehensive Plan states that the county development standard should include provisions for drainage and retention of vegetation and significant natural or habitat areas where these will mitigate natural hazards. Applicant should be required to fulfill its burden of proof by demonstrating that its proposed drainage system and retention of vegetation will alleviate the problems created by its proposed coverage of the area with streets, mobile homes and other improvements.

Policy 19: Community Design.

Under this policy, the County is required to maintain a community design process which locates development proposals in terms of scale and community impact with the overall purpose being a complimentary land use pattern. Although staff is recommending

that one of the conditions of approval be Design Review approval of all proposed site improvements, applicant should be required prior to approval by the Commission that the proposed development is complimentary to the existing neighborhood use pattern.

Applicant states in the portion of its application which addresses Policy 19 that it is applicant's belief that the existing neighborhood will hardly know of the existence of the proposed development. If that is so, then it is questionable why so many of the community and parents of children attending the nearly immediately adjacent grade school are in opposition to this proposal.

Applicant has submitted its proposed site layout but has not provided quantitative data with regard to an inventory of existing trees and has not provided any quantitative data with the number of trees that will be removed or impaired as a result of the development plan. Prior to the approval by this body, applicant should demonstrate the actual effect of its proposal upon the site. This would allow the Planning Commission the capability of reconfiguring the proposed site layout to accommodate the goal of leaving the trees and other natural vegetation in as natural state as possible.

With regard to circulation, applicant states that general circulation "should be more than adequate." Applicant has not submitted any data to support such a claim. Applicant states that it intends to construct a 28-foot inverted crown asphalt road even though such a construction is contrary to county road standards. Applicant claims that Rich Butcher of the Portland

Fire Department has indicated that the circulation and turning radius in the project are satisfactory for fire purposes, but there is no document so acknowledging in the record.

With regard to parking, applicant states that each space shall have off street parking for not less than two cars with parking permitted only on one side of the road. Applicant further states that "there should be plenty of parking for all concerned." It is questionable whether a 33.5 foot width hard surface which would be narrowed by the width of parked cars will be adequate for fire and emergency vehicle access in an emergency situation. As required by MCC 11.15.8230, the burden of proof is upon the applicant to demonstrate that parking and emergency vehicle access will be adequate for the proposed site.

With regard to its obligation to preserve and enhance the amenities of the natural and developed environment, applicant states that "every effort is being made to retain as many as possible of the large fir trees now on the property." Applicant has failed to submit any supportive data of this claim. Before the application should be approved, applicant should be required to perform a complete inventory of the number of trees and provide verifiable data on how many trees will remain standing after the proposed development.

In its response to the requirement that the individual development contribute to the qualify environmental and surrounding neighborhood, applicant responds that its design for Parcher Place will be similar to Buxton Place which applicant claims has demonstrated tremendous public acceptance. This claim

is questionable because Buxton Place has been open for only a few months and hardly has had sufficient time to be analyzed by the public.

In his response to the requirement that the application consider the soil capabilities, and natural vegetation of the site plan, applicant states that "the soil is extremely sandy with outstanding drainage capabilities." But applicant fails to support its claim with any verifiable data. Again, applicant claims that it plans to preserve where possible as many of the large fir trees on the site but has no supporting data indicating how many trees are there currently and how many will remain standing after the proposed development.

Policy 20: Arrangement of Land.

Under this policy, the county is committed to assure a complimentary blend of uses and reinforce community identity and create a sense of pride and belonging. Applicant has failed to address any of the issues contained within this policy in its application; and as demonstrated by the nearly unanimous opposition by the community, Parcher Park will not reinforce a sense of community identity or foster a sense of pride and belonging.

Policy 21: Housing Choice.

In its response to the issues of this policy, applicant claims that its typical tenant is age 62, Yyt applicant has failed to demonstrate any supporting data for such a claim. Applicant has produced no demographic data to support such a claim, and based upon the demographics of the immediate area, it is more

likely that Parcher Park will be inhabited by couples and single parents with children. Consequently, the children should be provided with an environment with adequate open areas and recreational areas to safely play in, but Parcher Park contains no such areas.

Policy 24: Housing Location.

As a major residential project, Parcher Place must be demonstrated by applicant to be nondeleterious to the neighborhood. Under the access criteria for a major residential project, applicant must demonstrate that "site access will not cause dangerous intersections or traffic congestions, considering the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements." This development has the potential of creating 25 new home sites with the concomitant traffic impacts. This will potentially create between 7 and 10 trips per day, per unit; or two hundred fifty trips total. Southeast Ramona Street is a two-lane road with a paved area only 18 feet 4 inches wide with no sidewalks. There is a tremendous amount of traffic on a street of this size resulting from ingress and egress to the school, both by parents in automobiles and by the school buses.

The only access to this project would be within 300 feet of the driveway to Gilbert Park School, and, as supported by the petitions and testimony by parents and neighbors, this project's impact on the immediate neighborhood has the likely affect of significant impact. Applicant has failed to produce any quantitative data to fulfill its burden of demonstrating that the

proposal will not severely and adversely affect the neighborhood, and this body should not approve the project until the applicant has so demonstrated that Ramona Street can support the increased traffic resulting from the project.

Another important factor is that S.E. Foster, which is approximately 10 blocks to the south of Ramona, is due to undergo significant construction work in the near future as it is planned as a major transitway and be widened to five lanes. During the time of such construction, S.E. Ramona Street will likely be the alternative route for traffic during this construction period. Applicant has failed to demonstrate its burden that Ramona Street can support both this increased traffic due to the construction as well as the mobile home park.

Applicant's response of "yes" in the application to this issue is not adequate to fulfill applicant's obligation to prove that its proposed action fully comports with this element of the Comprehensive Plan. It is also questionable whether the scale of this development is compatible with the surrounding uses. Parcher Place has the potential of being a 25-unit manufactured subdivision in an area largely comprised of single family residences. Such a saturation of home sites is inappropriate considering the existing development of the area. As required under Item 2(C)(5) of the major residential project criteria, the site layout for Parcher Park fails to adequately respond to "the existing community identity." Consequently, this body should either deny the application as proposed, or significantly reduce the number of mobile home sites to allow the project to be more

compatible with the surrounding uses and maintain the existing community identity.

Policy 25: Mobile Homes.

Under this policy, the housing policy locational criteria under Policy 24 must be appropriate to the scale of the development. The property site is currently zoned LR5 which requires a minimum lots size of 5,000 square feet for a homesite. Applicant has consistently claimed that Parcher Park is equivalent to a subdivision, yet only three of the proposed 25 homesites exceeds the minimum lot size requirement under the LR5 designation. Such a development seems an abnormality and inappropriate when compared to the home sites of the neighborhood. In order to maintain the compatibility of the project with the existing residential developments, applicant should be required to decrease the total number of home sites from its proposal so that each mobile home site is at least 5,000 square feet, not including the roadway areas.

Policy 33A: Transportation System; Policy 34: Trafficways.

Under these two policies, the county is obligated to implement a balanced, safe and efficient transportation system which (a) protects social values and the quality of neighborhoods and communities; and (b) provides a safe, functional and convenient system. Southeast Ramona Street is classified by Multnomah County as a "local street." Because of such classification, any new development along the street should closely be evaluated to determine its impact on the capacity of the street. With such close proximity to two grade schools and

the resulting bus and parent traffic, the neighbors' concern about the deleterious affect of this project on S.E. Ramona and the community is reasonable. Applicant has failed to show that its proposed development will not exacerbate the already existing traffic problems and consequently, until such a demonstration has been adequately made, the Planning Commission should deny applicant's request.

Policy 37: Utilities.

In its response to the drainage issue under this policy, applicant states that it plans to use dry wells and contain the surface water on site. Applicant makes the further claim that the water runoff can be handled on the site and that adequate provision has been made. Applicant has failed to produce any evidence of any testing by a qualified mechanical engineer to support its claims. Until applicant has so demonstrated, the development should be denied.

Policy 38: Facilities.

Under this policy, the appropriate school district must be provided an opportunity to review and comment on the proposal. The school district has done so and indicated that it has very serious concerns about the safety of its students due to the traffic impacts that this project will have upon S.E. Ramona Street. These concerns are well taken and substantiated by the petition and other written evidence submitted by parents and neighbors in the area. Applicant claims that Rich Butcher of the Portland Fire Department has approved the project "in concept,"

but has failed to supply any materials supporting such a statement.

Policy 39: Open Space and Recreation Planning.

Applicant has not addressed this policy in its proposal. Although applicant states that each mobile home site will be required to have a private open space no less than 48 square feet, the proposed site plan contains no recreation or open areas for children to play in. Given the demographics of the area and the fact that the other mobile home parks within the vicinity have on the average of .5 children per unit, it is reasonable to conclude that there will be between 12 and 15 children in this development. Consequently, with mobile home sites at such close proximity, applicant should be required to provide adequate recreational space for the children that will be tenants; as well as visitors of the older people that may inhabit the project.

Additionally, this area is within close proximity to the Johnson Creek Basin Protection Plan being implemented by the City of Portland. This site is within the area to be annexed by the City of Portland and, consequently, some consideration should be made to ensuring that any development of the area is compatible with the Johnson Creek Basin Protection Plan. With the site being adjacent to the abandoned railroad lines and immediately southwest of Powell Butte, this area has great potential for park and other recreational use. The fact that the original subdivision is named Parcher Park, indicates that the site has always been deemed to be a place of great natural potential. The protection of the natural resources results in increased protection from natural disaster,

increased sense of place, uniqueness, visual diversity and aesthetics and provides a greater education and recreation opportunity. Therefore, every effort should be made to limit this conflicting use in a manner which protects the resource.

Applicant's Requested Exceptions from the Standards or Requirements of the Underlying District Are Not Warranted and Consequently the Request Should Be Denied.

Applicant is requesting an exception to the 40% maximum space coverage requirement for mobile homes as provided under MCC 11.15.7715C. As noted in the staff report, applicant attempts to justify its request for a variance from the 40% coverage levels by stating that the typical new home is approximately 16,080 square feet. When the area of the required two car car port of 480 feet and the nearly 500 square feet of a required storage shed are added to the typical new home size, the total lot coverage is in excess of 2200 square feet. Instead of granting applicants request for a variance of the 40% coverage parameter, applicant should be required to increase the size of the lots so that the 40% coverage limitation may be kept intact. To do otherwise would be contradictory to Comprehensive Plan Policy No. 39 which relates to open space and MCC 11.15.6216 which also relates to open space. All but three of the 25 manufactured home sites on applicant's tentative plan are less than the 5000 square feet minimum limitation under the LR 5 Zone designation. It is requested that as a condition for approval of this application, the Commission require that the minimum lot size for this project shall be no less than 6,000 square feet to accommodate a 2,072 square foot

home plus a 480 square foot car port plus a 96 square foot storage building which would have a total lot coverage of 2,368 square feet. Such a minimum lot size requirement is permitted under the discretion granted the Commission under the Plan Development Chapter of the Multnomah County Code and is consistent with the policy to maintain open space, and is consistent with the 40% maximum lot coverage requirement. Staff's analogy to conventional site built houses which allow a 50% lot coverage is inappropriate in this instance because of the specific requirements generated under the provisions of the Comprehensive Plan and the Code. Larger lot size requirements for this application would also allow for more trees to be preserved and to maintain a greater degree of the natural setting provided by this property.

Applicants narrative succession on this topic refers to typical new home sizes but provides no data to support this position. Applicant should be required to inform the Commission what percentage of manufactured homes sold within the most recent years fall within the 1,680 square foot typical manufactured home size.

Under MCC 11.15.6206(A)(4), applicant must demonstrate that its development preserves and maintains open space in a suitable fashion. Applicant speaks grandly of the large grove of fir trees on the site but provides no data on actual number of trees in excess of six inches in diameter or how many trees will be left standing under applicant's current site plan. No park or play area is included in this project to accommodate the needs of any of the children that likely will be tenants of the project.

Applicant proposes to mandate that each tenant of the park have access to an outdoor private area of not less than 48 square feet. It hardly seems reasonable for children to be expected to grow up with the backyard measuring only six feet by eight feet.

Applicant should be required to set aside sufficient space within the park to accommodate playground and other open space areas for the occupant. Additionally, it is reasonable to expect that tenants will have pets which likely will be small dogs and cats and that such pets will need adequate area for hygienic purposes. In sum, opponents suggest that applicant has failed to adequately support this proposed project by demonstrating a sufficient need to overcome the 40% lot coverage requirement or support his requirements under the code for open space areas.

Applicant Has Failed to Demonstrate Adequate Compatibility With the Existing Natural Environment as Required Under MCC 11.15.6214.

Applicant complains in its response that "every effort is being made to save as many of the large trees on the site as possible." Applicant has failed to supply any data to support such a contention. Until an inventory of the existing number of trees on the site has been determined and compared to the number of trees that will be lost due to development, an objective determination cannot be made as to whether applicant is in compliance with this development criteria.

Applicant also states that run off water will be contained in "appropriate drywells," but again fails to substantiate the claim with any data from the verifiable and objective source. Until applicant has provided verifiable data

relating to drainage, stability, and toxicity, this body cannot make an informed evaluation of the proposal. In its response to the solar exposure issue, applicant states that 84% of the home sites have a north to south setting, "thus taking full advantage of all solar advantage possible." It would seem that home sites with an east to west setting would have greater solar access.

Applicant states that "there will be very little site modification, excepting removal of trees 'where necessary' in order to place homes correctly." Again applicant fails to provide any quantitative data regarding the number of removal of trees. Under .6214(d) applicant must address the issue of access points to the site, interior circulation patterns and the arrangements of parking areas in relation to the buildings so that the design will maximize safety and convenience and "be compatible with neighboring road systems, buildings, structures and uses." There is only one access to the proposed development and consequently there will be a significant impact onto the already overtraveled local street, S.E. Ramona. Applicant fails to provide any data substantiating its claim that the interior circulation patterns will be sufficient to accommodate emergency vehicle needs or that the parking areas will be sufficient. Although each rented space will have two parking spots, on street parking will be provided on one side of the street which will significantly diminish the actual travelable width of the road which may significantly impact emergency vehicle access when necessary.

Equally critical will be the impact of this potential

development upon the neighboring road systems which concerns are justifiably brought forward by the area residents.

Inadequate Open Space Under .6216.

The Code states that open space shall not include rights of way, driveways or open parking areas. Other than the mobile home sites themselves, the proposed plan does not provide for any open areas within the project. Such a development is inconsistent with the neighborhood and contrary to requirements under this Code provision. As stated in subpart C of this Code "open spaces containing natural features worthy of preservation may be left unimproved * * * to assure protection of the features." If, as applicant contends, the existing trees are of such value, then the precise number of trees which will remain standing after development should be known before the project is approved. Contrary to Staff's claim that the proposed site layout "maximizes safety and convenience and displays a compatible design with the neighboring road systems," the development of this project will have a deleterious affect on the road and safety of the children attending Gilbert Park Elementary School immediately opposite the project. The Commission should consider requiring that the applicant insure the proper open spaces within the development be maintained by dedicating such open spaces as may be appropriate by the recording of covenants or restrictions on the project.

Additional Concerns.

As evidenced by first hand documents prepared by adjoining land owners, a portion of the proposed site once was the site of an illegal dump. Before applicant's request is approved,

applicant should be required to demonstrate that the area is free from toxic and hazardous wastes.

Summary

On behalf of Don Rhyne and the other affected land owners and parents of children attending Gilbert Elementary School, this memorandum is submitted to the Planning Commission as a written statement in opposition to the application. The primary concerns involve maintaining the site in a compatible nature with the neighborhood by maintaining as many trees as possible, the traffic impact on the already congested Ramona Street, the high water table of the subject property, and the potential that the site includes toxic or hazardous waste resulting from its use as a former dump. It is requested that the Planning Commission deny the application on the grounds that applicant has failed to demonstrate the public need for the requested change in the classification of the property in question and failed to demonstrate that the action fully accords with the applicable elements of the comprehensive plan and other provisions of the Multnomah County Code. As an alternative to denial of the application, it is requested that the Commission not allow applicant's request to increase the 40% site coverage maximum but instead require applicant to increase the lot size of the site to maintain the 40% parameter and require that applicant demonstrate with particularity that the subject property is free from toxic and hazardous waste, has adequate drainage and is not part of a

Memo to Multnomah County Planning Commission
November 1, 1991
Page 18

high water table, and reduce the total number of units in the plan
to reduce the traffic impact on the sole means of access.

Submitted on behalf of Don
Rhyne



Gregory G. Lutje, Attorney
Schwabe, Williamson and Wyatt
Pacwest Center, Suites 1600-1950
1211 S.W. Fifth Avenue
Portland, OR 97204-3795

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Multnomah County
Zoning Division

(66054)

October 31, 1991

PD 2-91
Written Comments
to Open Record

Division of Planning and Development
Multnomah County
2115 SE Morrison St.
Portland Or. 97214

In regard to the proposed mobile home park development at 13303 SE Ramona St., it is our position as the committee members of "Parent Coalition" and "Child Watch" of Gilbert Park Elementary School, that the proposal being presented to the Division of Planning and Development be opposed!

As an organization concerned with the safety and welfare of our children, we feel that the increased population and traffic in this area would be detrimental. Gilbert Park Elementary and it's community have been addressing these issues since 1987. Due to the alarming number of potential child abductions since May 1991, the need to focus our time and energy on this very serious problem become inevitable. We are increasingly being threatened by would be kidnappers, child molesters and gang members and are certain that the increased density would heighten the risk of crime in our community.

Please consider these important concerns and issues, and respect the wishes of our community.

Thank You,

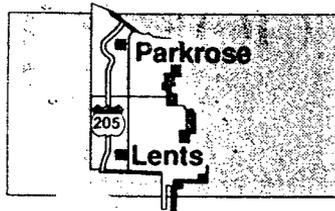
Christie Duncan
Jewel Coffman-West
Christie Duncan
Jewel Coffman-West
The Parent Coalition

P.S. Please see attached document's

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NOV 1 1991

Multnomah County
Zoning Division



MID-COUNTY

COMMUNITY
NEWS AND
FEATURES

Gilbert Park-area parents and officials start 'child watch'

2 incidents involving strangers spur program to help grade-school students get home safely

By **MELISSA STEINEGER**
Correspondent, The Oregonian

Parents and officials in the Gilbert Park Elementary School area are starting a "child watch" in response to recent incidents in which children were accosted by strangers on their way home from school.

Parents stationed at key intersections will begin watching students as they walk home from school and will be meeting youngsters at school bus stops. Officials have cautioned

the youngsters to be wary of strangers.

About 100 students walk home from Gilbert Park each day and about 450 ride home on buses.

Principal Richard St. Claire said that he and a group of parents developed the strategies after two recent incidents.

In the most serious one, a 13-year-old girl living within the Gilbert Park attendance boundary was raped in March by a stranger who kidnapped the girl as she was walking near Southeast 122nd Avenue and Foster

Road about 3 p.m.

The girl was not a student at Gilbert Park, which is nearby at 13132 S.E. Ramona St.

Last week, St. Claire said, two girls who are students at Gilbert Park said that a man chased them while he was driving a van. The girls reported the license number to police, St. Claire said, but the police said that they could not take action because the man had not gotten out of the van.

St. Claire said that based on those two incidents he called police to see what the school could do to protect youngsters. St. Claire said that he was surprised to learn that police agencies know of almost 600 sex offenders in the Portland area.

"The problem is larger than I thought it was," St. Claire said.

The school does not want to alarm residents, St. Claire said, but by cautioning children, telling them they should walk home in groups, and having parents play a larger role in after-school safety, he hopes to reduce any danger to students.

St. Claire said that he recently told youngsters in grades four through six to be careful and to walk home in groups because there seem to be more people who prey on children during the spring months.

"Our old rule to walk in 'twos' doesn't seem to work anymore," St. Claire said. Walking in groups provides more than

safety for the individual student, he said he told the children, because it helps protect the youngster's classmates and friends.

St. Claire said that he met with younger students to remind them of the school's general rules about strangers. St. Claire said that he told them to be concerned about strangers.

"It has frightened the parents tremendously," said parent Terri Flitcraft. She said that she and other parents hope to send a message to would-be sex offenders to stay out of the Gilbert Park neighborhood.

Other schools may heed the Gilbert Park child watch and start their own program, she said.

Parent Alert.....

Message No: 01 Received From: MENLOP at 10:33 on 9/10/91

ALERT

TWO MENLO PARK FIRST GRADERS WERE APPROCHED BY A MAN AFTER SCHOOL YESTERDAY. HE TOOK POLORID PHOTOS OF THE CHILDREN GIVING ONE TO THE CHILDREN AND KEEPING ONE. HE WAS DESCRIBED AS BEING AN ADULT WITH BLACK STRAIGHT HAIR, BLUE EYES, SLENDER, AND CLEAN SHAVEN. HE WAS DRIVING A BLACK CAR-MAKE AND YEAR UNKNOWN

SEPT. 10, 1991 10:22 A.M.

NO "ESL" today - unless Mrs. Micheel picks up the student.

Teachers: If possible please turn in your completed Spelling Probes by Friday before school. Parent volunteers will be ready then to correct them.
Thanks, Janet M.

Staff: Please put any completed United Way donation cards in my box by Friday.
Thanks, Janet M.

Tomorrow's "2020" meeting is postponed until next Tuesday.

Reminder - You can pay your social dues to Toni in the office - anytime.
(\$10.00 for certified and \$5.00 for classified.)

Any coffee drinkers who have not brought a 3lb. tin of coffee may want to bring one in. We do need 1 tin of decafe.

"LIVING SAFELY IN A DANGEROUS WORLD" - Seminar Wednesday, October 30 -
Gilbert Park Library - 7:00 p.m. Presented by Citizens Against Crime.
(Let the office know if you are interested in attending.)

There is a notice in the faculty room Re: Poinsettia Sale - a fund raiser for the MOMS Club of Portland.

CALENDAR DATES:

- Oct. 12 - Sat. - Anyone with a library card can ride the MAX train FREE all day.
- Oct. 17 - Thurs. - Floyd Light MS Silver Anniversary - 7:00 p.m.
- Oct. 18 - Fri. - Vision Screening for grades K-1-3-5 in the Computer Room.
- Oct. 24 - Thurs. - Safety Assembly with Officer Orazette

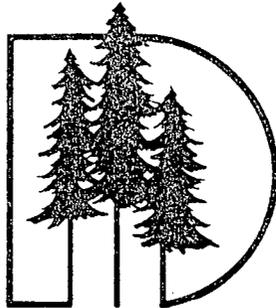
STUDENT INFORMATION - PLEASE SHARE.....

Today a parent stopped by the office and reported that she almost hit two of our children with her car. They had darted out of their car in the middle of the street and ran in front of another car. It was very dangerous and some- that could have been avoided if they had crossed the street in a safe manner. They should have waited until the traffic cleared and then crossed the street. Please be aware that we have many cars and busses coming into Gilbert Park and it is important to practice safe methods of walking to school and crossing the streets.

Volleyball - We beat Cherry Park 2 games out of 3 to win the first night. Good game girls.



BOARD OF DIRECTORS
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DAVID DOUGLAS PUBLIC SCHOOLS MULTNOMAH CO. DISTRICT NO. 40

GILBERT PARK ELEMENTARY • Richard St. Claire, Principal • 13132 SE Ramona St., Portland, OR 97236 • 25c-6503

September 10, 1991

Dear Parents:

The safety of our students to and from school is of high concern for everyone involved with children. Last year we initiated a "Child Watch" program that basically addressed three major concerns: 1. The safety of children to and from school. 2. Problems that occur beyond the school crossings and bus stops. 3. Long term plans to address weaknesses in the judicial system.

What are we currently doing? Parents have volunteered before we formally begin our "Child Watch" program to supervise Safety Patrol crossings. The "Child Watch" committee has met and developed strategies to alert neighborhoods then the "Block Home" organization if a problem occurs in our attendance area. David Bordeaux from the Adult Parole/Probation Office will be making a presentation to us during "Parent Orientation Night" and is currently working with our "Child Watch" committee to address all area's of child safety. The Multnomah County Sheriff's Office will present child safety assemblies. Officer Gary's presentation with his puppet "Toby" is very effective and Sgt. Orazetti will again bring his "Robot" to discuss safety issues. Our new School Psychologist, Janet Miner will be working with our "Child Watch" program and is developing a personal safety curriculum which will be presented to parents prior to implementation.

Alerts to parents have two basic purposes. First to raise the level of concern of our parents and community to the dangers that our children face. At this point we are all too aware of the potential dangers. Secondly to alert parents to clear and present dangers to our children. Our mind set must be such that everyday presents a potential for a problem. We must avoid a heavy dependence on notices to protect our children, they only tell us what we already know. Please become involved in our "Child Watch" program, it is the only effective means of dealing with a problem that will not go away by itself.

Sincerely,

Dick St. Claire, Principal
Gilbert Park Elementary School

/tjs

10-25-91

To Whom it may Concern

I owned The house at 13333 S.E. RAMONAN, which joined The property that John PARCHER is TRYING TO get REZONED. DURING 89 AND 1990 while he WAS conducting A LAND fill on wet lands behind my house I observed on SEVERAL OCCASIONS Piles of Rubbish, including TIRES EXCAVATED TO THE bottom of the DRAW AND in holes THEN COVERED with DIRT AND ROCK THAT WAS HAULED IN. I ALSO OBSERVED SEVERAL TIMES PICKUP AND CAR LOADS of Rubbish HAULED IN AND THROWN INTO THE LAND fill, This GARBAGE would get SPREAD by ANIMALS before it WAS COVERED by fill AND it WAS old CLOTHES AND GARBAGE.

I did Report This TO DEQ AND The health dept. it WAS INVESTIGATED AND The INVESTIGATOR Reported TO me THAT JOHN PARCHER AND his mother had denied BURYING GARBAGE AND The INVESTIGATOR didnt think it would be beneficial TO dig up The AREA.

Sincerely
John Boatman (271-3088)
67350, Smith River
Reedsport, OR. 97467

RECEIVED

NOV 1 1991

Multnomah County
Zoning Division

Department of Environmental Services
Division of Planning & Development
Attention: Mark Hess
2115 S.E. Morrison Street
Portland, Oregon 97214

RECEIVED
NOV 1 1991

Multnomah County
Zoning Division

October 25, 1991

Regarding the proposed mobile home park at 13303 S.E. Ramona: I currently have a daughter that attends Gilbert Park Elementary School, located on S.E. and 128th Ramona, and will have a son attending next year. Currently the traffic at Gilbert Park Elementary, is a real problem. I take my daughter back and forth from school and almost daily I am forced to park my vehicle up to two blocks from the school to walk her in and out of the building. Without adequate shoulder area or sidewalks walking children along the road is dangerous. On numerous occasions I have seen vehicles parked across the street, in the church parking lot, have to move in order for school buses to leave the school because the road is too narrow. If the mobile home park is built not only will the traffic on that street pose more of a threat to the children, but more parents will be transporting their children to and from school, due to a possible increase in strangers moving into this type of development. Enclosed is an article from the Oregonian, reporting an incident, where as a pedestrian, I was struck by a vehicle. The article states that I was walking to the school however all I was doing was crossing the street from

the church where my vehicle was parked. I was very fortunate that the woman saw me as the car began to pull me under, a small child may not be. Please consider the children of our community and the already existing problems they have to deal with daily. Let's not create more hazards that they must look out for, we can't afford one loss or damaged child.

Sincerely

Patricia Reed

Patricia Reed ✓

7030 S.E. 118th

Mother hit by auto after saving toddler

A car struck and slightly injured a mother who tossed her toddler out of harm's way just before the impact Monday afternoon in front of Gilbert Park Elementary School.

Patricia Reed of 7030 S.E. 118th Drive had been walking to the school to pick up an older child from kindergarten. She was treated for bruises to the right foot at Portland Adventist Hospital and released Monday afternoon, nurses said.

Lt. Ted Wittren, spokesman for Fire District 10's Engine Co. 42, said the toddler was not hurt.

The accident occurred at 2:20 p.m. on a street that has been torn up during sewer excavation work. Last week some parents at Gilbert Park school formed a volunteer escort

service to shepherd children past construction because of concerns about traffic safety.

Mary Smith, community relations coordinator for the David Douglas School District, said the driver of the car was a mother of a student at the same school. No citations were issued.

METRO EAST

Address: 1205 N.E. Division St.
Gresham, OR

Send mail to: P.O. Box 1398
Gresham, OR 97030

Bureau phone: 866-1 29
Circulation: 221-8240

RECEIVED
NOV 1 1991

Clatsop County
Zoning Division

October 22, 1991

Department of Environmental Services
Division of Planning & Development /Attention: Mark Hess
2115 SE Morrison Street
Portland, Oregon 97214

Dear Mr. Hess:

I am writing this letter in a dual capacity. I am the lead secretary at Gilbert Park Elementary School, 13132 S.E. Ramona St. I am also a resident of Southeast Portland, 1342 S.E. 120 Ave., Portland, Ore. 97216.

My first concern, re: the proposed Mobile Home Court for the land near Gilbert Park School, is for the students at Gilbert Park. If you will come and see, our street has no sidewalks and is quite narrow. Our students must walk the entire length from either access to Ramona St., at 128th or 136th, if they are walking children. In addition to the normal traffic of cars and busses, we also have a great many parents who transport their children, especially on rainy days. These additional cars make our parking lot and Ramona St. very busy. We are talking about children as young as '5' needing to be visible by vehicles. These children are not always as attentive as they might be due to their natural, youthful behavior. We ask that you keep in mind the fact that there are 570 students coming to and going from our school - either by bus, car or on foot - every day.

My office windows face Ramona St., and in the morning at my computer as I look out the window - I cannot imagine our coping with the additional traffic this mobile home court would generate. I question the city of Portland's concern for these young children. Are tax dollars so important that we must experience a tragedy before someone believes this is an inappropriate addition to Ramona Street?

This last question is where my concern as a resident of Southeast Portland starts. Tax dollars - my tax dollars! I am angry that the City Council, the Planning & Development Division, and Multnomah County Commissioners are not doing their best to protect my property values and those of this quadrant of Portland by limiting the number of mobile home developments being considered and receiving approval for Southeast Portland. Southeast Portland has it's fair share of low income housing, and for some reason I get the feeling mobile home courts do not raise property values and therefore "Southwest" Portland is not nearly as susceptible to their mushrooming ability.

Both Gilbert Park Elementary School students and the residents of Southeast Portland need to have strong support for quality developments and less crowded proposals ie. mobile home courts. We residents of Southeast Portland want the same stability or potential for increases in our property values as our neighbors on the west side of the Willamette river. Are you watching out for us and our children or just the tax dollars? The quality of life you envision for Portland as a whole may very well depend on your answers.

Sincerely,

Mrs. Dennis R. Sullybrook

Mrs. Dennis R. Sullybrook
1342 S.E. 120th Ave.
Portland, Ore. 97216 ✓

RECEIVED

NOV 1 1991

Multnomah County
Zoning Division

Dear Sir or Madam:

I am very much opposed to the proposed mobile home site on Ramona. There is already too much traffic on this street and this will only add more traffic to an already increasing problem. I am also concerned about the landfill in the northeast corner of the property, as I don't remember any debris being hauled away while more was added to the debris already there.

I also think the water table should be rechecked when we've had a few good months of rain.

I understand the need for housing but not saltie cracker boxes in our backyard. Please vote no on this proposal.

Fisher J. Hauer
13345 S.E. Ramona
761-3279

RECEIVED
NOV 1 1991

Multnomah County
Zoning Division

November 1, 1991

I would like to submit a brief statement to you regarding Mr. Swan's proposed mobil home development on SE Ramona.

At the hearing on Oct. 7, 1991, Mr. Swan talked about his mobil home park located in Troutdale and made comparison reference to this proposed development on Ramona St. We were told that at one time there were "trailer parks, then mobil home parks and now a more upscale of Manufactured Housing Development's"; and that was what Mr. Swan's intent was for this development.

We drove out to Troutdale to view what his "upscale Manufactured Housing Development" was like. We even went as far as to talk to some of the resident's to see how well the development was accepted in their neighborhood. This is what we found.

This park was developed on a field that was over grown with berry bushes and there were really no trees to speak of that had to be removed. In other words, just a large field that was not kept up and over grown with unsightly bushes. The increase of traffic was unknown because the park sits along two very heavily traveled streets. Already very noisy from existing traffic! As we drove into the park the first two homes that face the entrance had nice, small landscaped yards. After entering the park we found just a row of typical mobil homes side by side with not much room at all between them, cars parked on both sides of the road and some things being stored out beside the homes. The obscuring fence as Mr. Swan would refer to, was not obscuring our view of the homes from the street at all! I could only see a huge field of mobil homes.

The comparison of this park and this proposed development is not a fair comparison by far!

Sincerely,
Sadona Wise
Sadona Wise

RECEIVED
NOV 1 1991

Multnomah County
Zoning Division

October 26, 1991

Division of Planning & Development
Multnomah County
2115 SE Morrison St.
Portland, Oregon 97214

Dear Mr. Hess & Planning Commission Members:

I am writing to you in regard to the proposed Mobile Home Park development at 13303 SE Ramona St. I have several issues to address concerning such a development both as a resident on SE Ramona St. and as a member of the Gilbert Park Community.

Six years ago after many months of looking we bought our home here on Ramona St. What attracted us to this area was so many things; it is a somewhat rural area with many large Fir and Pine trees, some wildlife, a couple of small farm house's up the road with pastures of cows and horses, a view of both Mt. Scott and Powell Putte and wonderful schools for our children to be educated in. One of those school's being Gilbert Park Elementary School which has been named one of the nation's top schools by the U.S. Department of Education. (Please see article on back page.)

It is my concern and the concern of many others in the Gilbert Park area that the above mentioned development is not in keeping with the atmosphere of our neighborhood and that it poses a great safety problem to our children!

We are concerned with the safety of the kids traveling to and from school on Ramona street daily. Gilbert Park School alone has 569 students at the present time. The paved area of the road is only 18' 4" wide and has no sidewalks. We have a tremendous amount of traffic on Ramona street daily including the school buses for both Gilbert Park Elementary School and Alice Ott Middle School (located at 127th & Ramona). If the above mobile home park is allowed to go in, we will be dealing with a minimum of 100 more trips of traffic per day. The only access to this park would be within 300 feet of the driveway to Gilbert Park Elementary School! Keep in mind that these are young children we're talking about from ages 5 to 12 years old and some of them barely big enough to be seen over the top of a car. At this age children are not always watching out for traffic as they should. If these were your children would you want this park approved at this location?

On Feb. 9, 1987 a proposal for a 30 unit (later to become a 51 unit) mobil home park, located at 12928 SE Ramona, was brought before the planning commission. The neighbors in the community were very opposed to this park because of the increased traffic to Ramona St. and the children that travel on it to and from school. This park was approved with the condition of no access to SE Ramona St. The parks entrance and exit are located on SE Foster Rd., a road capable of handling this type of traffic flow.

We also have another mobile home park located at 122nd between Foster Rd. and Ramona St. and a smaller one on 128th just north of Foster Rd.

A recent approval of a 117 unit mobile home park already under construction at 136th & Holgate will again add to our concerns of the children that travel to and from school. Although the park is not located on Ramona St., the cars using 128th and 136th as an access to the new development concerns us as both the above streets are within the student walking boundaries to Gilbert Park.

Does this sound like alot of mobile homes to you? All of these parks are located within less then a 1 mile radius of our school and Ramona St. It is in my opinion that we are being over ran by such mobile home parks in our community. I don't think we need another one on Ramona St.

The construction to improve and widen Foster Rd. to 5 lanes from 122nd to 136th is due to begin in the spring of 92'. This again will impact the traffic on Ramona St. due to detour's of traffic and construction. We feel this needs to be taken into consideration as this will also add to the volume of traffic on Ramona St.

Environmental issues are another area of concern. The city of Portland recognizes this area of SE Portland under the Johnson Creek Corridor Plan District, (Environmental Overlay) that needs to be protected. The significant Fir trees and the small wild-life that habitats here would not be preserved under this developer's plan, and once you've removed them, they're gone forever and you've taken something from this environment that cannot be replaced. (Please see attached Johnson Creek Basin Plan District map and supporting document's.)

There also is concern for the "dumping" on the proposed property to be developed. This seems to be common knowledge of the residents in the neighborhood, especially the elder's, who claim anything and everything was dumped here for many, many years! The house I live in faces the proposed property to be developed and I have never seen one truck load of garbage removed from there. What I have seen is trucks loads upon truck loads of fill brought into the property all hours of the day and night to cover up the garbage. I would think this would raise some serious questions in your minds as to how safe this land is for development.

My last concern I'd like to address is as a homeowner and taxpayer. We have made our home here and take great pride in it and our neighborhood. I invite you to come and take a closer look at the issue's brought before you. I believe we have several serious concerns here to be considered before a development of this size be allowed at this location.

Sincerely,

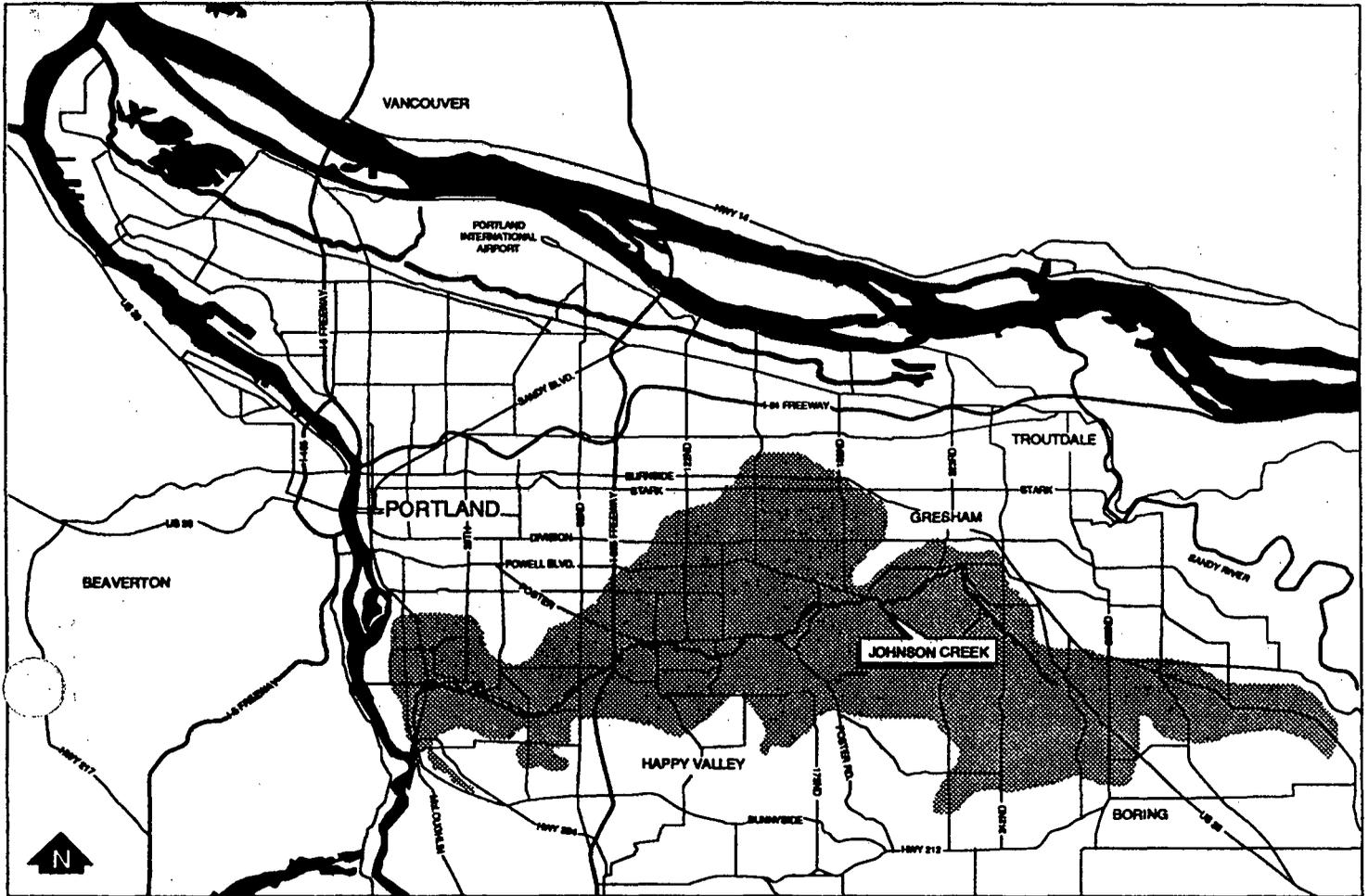
Sadona Wise
Sadona Wise
13129 SE Ramona St.
Portland, Oregon 97236

RECEIVED

NOV 1 1991

Multnomah County
Zoning Division

Sample of Map showing planned district



Legend

 Johnson Creek Watershed

Johnson Creek Basin Plan District

JOHNSON CREEK WATERSHED

Appendix I

OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 16 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

DIVISION 16

REQUIREMENTS AND APPLICATION PROCEDURES FOR COMPLYING WITH STATEWIDE GOAL 5

Inventory Goal 5 Resources

660-16-000 (1) The inventory process for Statewide Planning Goal 5 begins with the collection of available data from as many sources as possible including experts in the field, local citizens and landowners. The local government then analyzes and refines the data and determines whether there is sufficient information on the location, quality and quantity of each resource site to properly complete the Goal 5 process. This analysis also includes whether a particular natural area is "ecologically and scientifically significant", or an open space area is "needed", or a scenic area is "outstanding", as outlined in the Goal. Based on the evidence and local government's analysis of those data, the local government then determines which resource sites are of significance and includes those sites on the final plan inventory.

(2) A "valid" inventory of a Goal 5 resource under subsection (5)(c) of this rule must include a determination of the location, quality, and quantity of each of the resource sites. Some Goal 5 resources (e.g., natural areas, historic sites, mineral and aggregate sites, scenic waterways) are more site-specific than others (e.g., groundwater, energy sources). For site-specific resources, determination of *location* must include a description or map of the boundaries of the resource site and of the *impact* area to be affected, if different. For non-site-specific resources, determination must be as specific as possible.

(3) The determination of *quality* requires some consideration of the resource site's relative value, as compared to other examples of the same resource in at least the jurisdiction itself. A determination of *quantity* requires consideration of the relative abundance of the resource (of any given quality). The level of detail that is provided will depend on how much information is available or "obtainable".

(4) The inventory completed at the local level, including options (5)(a), (b), and (c) of this rule, will be adequate for Goal compliance unless it can be shown to be based on inaccurate data, or does not adequately address location, quality or quantity. The issue of adequacy may be raised by the Department or objectors, but final determination is made by the Commission.

(5) Based on data collected, analyzed and refined by the local government, as outlined above, a jurisdiction has three basic options:

(a) **Do Not Include on Inventory:** Based on information that is available on location, quality and quantity, the local government might determine that a particular resource site is not important enough to warrant inclusion on the plan inventory, or is not required to be included in the inventory based on the specific Goal standards. No further action need be taken with regard to these sites. The local government is not required to justify in its comprehensive plan a decision not to include a particular site in the plan inventory unless challenged by the Department, objectors or the Commission based upon contradictory information.

(b) **Delay Goal 5 Process:** When some information is available, indicating the possible existence of a resource site, but that information is not adequate to identify with particularity the location, quality and quantity of the resource site, the local government should only include the site on the comprehensive plan inventory as a special category. The local government must express its intent relative to the resource site through a plan policy to address that resource site and proceed

through the Goal 5 process in the future. The plan should include a time-frame for this review. Special implementing measures are not appropriate or required for Goal 5 compliance purposes until adequate information is available to enable further review and adoption of such measures. The statement in the plan commits the local government to address the resource site through the Goal 5 process in the post-acknowledgment period. Such future actions could require a plan amendment.

(c) **Include on Plan Inventory:** When information is available on location, quality and quantity, and the local government has determined a site to be significant or important as a result of the data collection and analysis process, the local government must include the site on its plan inventory and indicate the location, quality and quantity of the resource site (see above). Items included on this inventory must proceed through the remainder of the Goal 5 process.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Identify Conflicting Uses

660-16-005 It is the responsibility of local government to identify conflicts with inventoried Goal 5 resource sites. This is done primarily by examining the uses allowed in broad zoning districts established by the jurisdiction (e.g., forest and agricultural zones). A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy (ESEE) consequences:

(1) **Preserve the Resource Site:** If there are no conflicting uses for an identified resource site, the jurisdiction must adopt policies and ordinance provisions, as appropriate, which insure preservation of the resource site.

(2) **Determine the Economic, Social, Environmental, and Energy Consequences:** If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Develop Program to Achieve the Goal

660-16-010 Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must "develop a program to achieve the Goal". Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to "resolve" conflicts with specific sites in any of the following three ways listed below. Compliance with Goal 5 shall also be based on the plan's overall ability to protect and

OREGON ADMINISTRATIVE RULES
CHAPTER 660, DIVISION 16 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

standards as they existed prior to adoption of OAR 660-16-000 through 660-16-025.

(3) Jurisdictions which receive acknowledgment of compliance (as outlined in ORS 197.251) at the April 30/May 1, 1981 Commission meeting will not be subject to review procedures outlined above, but will be treated as other previously acknowledged jurisdictions.

Stat. Auth.: ORS Ch. 183 & 197

Max: LCD 5-1981(Temp), f. & cf. 5-8-81; LCD 7-1981, f. & cf. 6-29-81

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

5.

OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

GOAL

To conserve open space and protect natural and scenic resources.

Programs shall be provided that will (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The location, quality and quantity of the following resources shall be inventoried:

- a. Land needed or desirable for open space;
- b. Mineral and aggregate resources;
- c. Energy sources;
- d. Fish and wildlife areas and habitats;
- e. Ecologically and scientifically significant natural areas, including desert areas;
- f. Outstanding scenic views and sites;
- g. Water areas, wetlands, watersheds and groundwater resources;
- h. Wilderness areas;
- i. Historic areas, sites, structures and objects;
- j. Cultural areas;
- k. Potential and approved Oregon recreation trails;
- l. Potential and approved federal wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

Cultural Area — refers to an area characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs and social forms.

Historic Areas — are lands with sites, structures and objects that have local, regional, statewide or national historical significance.

Natural Area — includes land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural historical, scientific or paleontological features, or for the appreciation of its natural features.

Open Space — consists of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use:

- (a) Conserve and enhance natural or scenic resources;
- (b) Protect air or streams or water supply;
- (c) Promote conservation of soils, wetlands, beaches or tidal marshes;

(d) Conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;

(e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(f) Enhance recreation opportunities;

(g) Preserve historic sites;

(h) Promote orderly urban development.

Scenic Areas — are lands that are valued for their aesthetic appearance

Wilderness Areas — are areas where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. It is an area of undeveloped land retaining its primeval character and influence, without permanent improvement or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) may also contain ecological, geological, or other features of scientific, educational, scenic, or historic value.

GUIDELINES

A. PLANNING

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.
3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.
4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710 (20).

B. IMPLEMENTATION

1. Development should be planned and directed so as to conserve the needed amount of open space.
2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.
3. The efficient consumption of energy should be considered when utilizing natural resources.
4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.
5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.
6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the "State Natural Area" Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.
7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.
8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.
9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

- 3 **Protect or restore habitat within the resource area as an approval criteria for new development.** This is accomplished either through environmental review for proposed development in Environmental zones, or plan district regulations. The level or threshold for improvements depends upon the amount of proposed development. Emphasis is on: protecting or restoring riparian areas along Johnson Creek, its tributaries, and drainageways; connecting upland resource areas such as parks, steep slopes, and major forested areas with the creek corridor to aid in the passage of wildlife; and promoting the use of native vegetation (especially trees) throughout the plan district.

BASIN STUDY AREA

Johnson Creek extends through the cities of Milwaukie, Portland, and Gresham, as well as portions of unincorporated Multnomah and Clackamas Counties. The total Johnson Creek drainage basin is about 54 square miles in size (of which only 44 square miles contribute runoff), and up to three miles wide. It also includes the cities of Cottrell, Boring, and Happy Valley. Within southeast, Portland Johnson Creek follows a generally east-west path parallel to Foster Road and the Springwater Line, a railroad right-of-way recently purchased by the City. The study area extends from SE 174th Avenue and SE Jenne Road west to Johnson Creek's confluence with the Willamette River in the City of Milwaukie, and from the southern city limits along the crest of the Boring Lava Hills northward, encompassing Powell Butte, Beggar's Tick Marsh, Crystal Springs Creek, Reed Lake, and other natural resources related to the creek. It includes the westerly 13 miles of the creek's total 25 mile length, its tributaries and riparian areas, as well as wetlands and well as uplands which add to the natural resource values of the basin.

As part of this plan, resource protection is for only those areas within the City of Portland jurisdictional limits, although resources outside city limits were inventoried. For example, there is stretch of the creek between SE 45th and SE 76th Avenues that has been inventoried but not analyzed because it is in either unincorporated Clackamas County or the City of Milwaukie. Between SE 117th and 145th Avenues the creek also "snakes" in and out of Multnomah County. As Portland annexes lands which are in the Johnson Creek basin, the inventory information will be used to aid in determination of appropriate base and overlay zones.

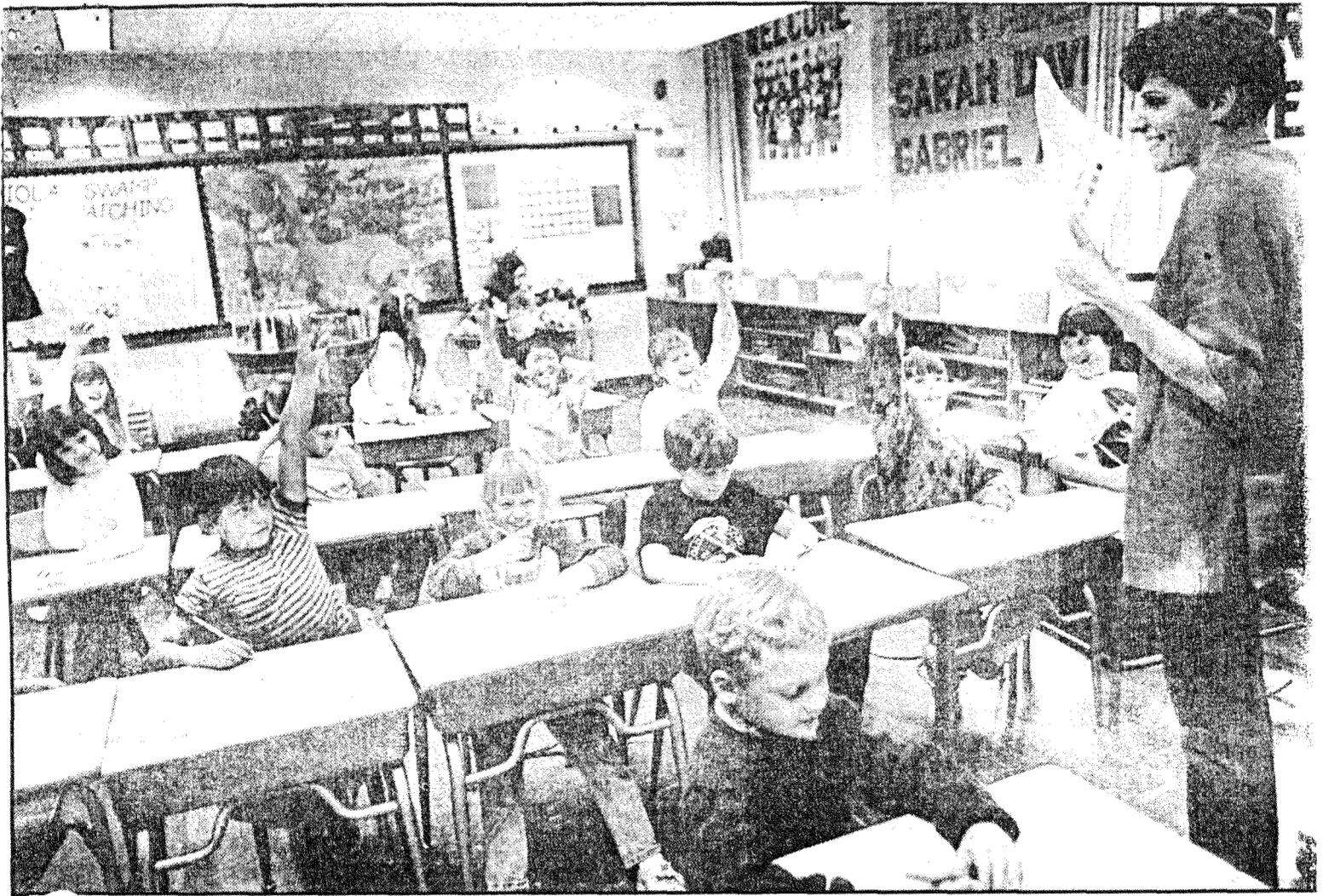
REGULATORY SETTING

State

Statewide Land Use Planning

Oregon's statewide land use planning program was established under Senate Bill 100, adopted by the Legislature in 1973 and included in the Oregon Revised Statutes (ORS) as Chapter 197. This legislation created the Land Conservation and Development Commission (LCDC) and gave it the authority to adopt mandatory Statewide Planning Goals. These goals provide the framework for Oregon's cities and counties to prepare comprehensive plans. There are nineteen Statewide Planning Goals, fifteen of which apply to the Johnson Creek Corridor.

After local adoption, comprehensive plans are submitted to the LCDC for review to ensure consistency with the Statewide Planning Goals. Portland's Comprehensive Plan was adopted by City Council in 1980, effective January 1, 1981, and was acknowledged by LCDC in May 1981.



The Oregonian/ROGER JEL

Nai vtro gets a response from students at Gilbert Park Elementary, named one of 180 outstanding schools in the nation.

Gilbert Park named one of nation's top schools

By MELISSA STEINEGER

Correspondent, *The Oregonian*

The U.S. Department of Education has named Gilbert Park Elementary School as one of 180 outstanding schools in the nation.

"We're a little overwhelmed," said Richard St. Clair, Gilbert Park principal. "We didn't expect to hear the results until the end of May, so we were very relaxed until the call ... It caught us off guard."

St. Clair said that he believed the judges were most impressed by the school's special incentive programs to recognize positive behavior and the large number of parents involved in school activities.

The school rewards students for trying, encourages them to be self-managers and offers electives for fifth- and sixth-graders among

other incentives. More than 100 parents volunteer at the school in such things as after-school basketball games for youngsters, field trips and back-to-school nights.

"It's been a real community effort," said St. Clair. "It's not only an award for Gilbert Park School — it's an award for the Gilbert Park community."

Some 400 schools were nominated nationally. Winners successfully completed a 30-page application and an on-site visit by a panel of school experts. The recognition program honors outstanding schools each year, alternating between elementary and high schools.

In addition, three other Oregon schools were honored. They were Chapman Elementary School in Northwest Portland, Tualatin Elementary School in Tigard and Walker Middle School in the Salem-Keizer district.

The news came shortly after the school learned it had been selected to receive \$2 from the state's "2020" grant program. The

grant is named for the House Bill that created the program. Money is designated for teacher development and school improvement tied to goals set by teachers. Teachers decide how the money will be spent.

The Gilbert Park goal is to "create a community of literacy" by training teachers in teaching methods, providing mini-grants to teachers to develop innovative literacy projects and creating teaching methods to ensure student success.

St. Clair said teachers hope to begin projects such as videos on steps families may use to reinforce learning at home, classes for parents in helping their youngsters learn and a student newspaper on literacy.

October 31, 1991

Please add the attached sheet of signature's to the Petition opposing the mobil home park at 13303 SE Ramona. These signature's were obtained since the hearing on Oct. 7, 1991 due to working hours, vacation's, ect.

As you can see from the signature's you've received, our neighborhood and resident's of Ramona St. are opposed to this development at this location. We sincerely hope this will be taken into your consideration when making your decision.

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NOV 1 1991

Multnomah County
Zoning Division

October 30, 1991

Division of Planning & Development
Multnomah County
2115 SE Morrison St.
Portland, Oregon 97214

PP 2-91
Written Comment
For Open Record

Regarding: Proposed Mobil Home Development at 13303 SE
Ramona St.

Dear Members:

My name is William G. Jacobs and I live at 13246 SE Ramona St., directly across from the proposed development of a mobil home park. My parents bought this property in January of 1942. Very briefly, this area was then typically American rural, relaxed and perfect for me at age nine. A neighborhood where everybody knew everybody else, lots of uncluttered land, and a relief from the congestion of city life. Our growth was slow because most families here cherished the freedom of "lots of room."

Respectfully, I would like to sincerely and with time express my feelings regarding the proposed development.

Most importantly, I see the additional people and subsequent traffic on a narrow, 2 lane road as completely incomprehensible from a safety standpoint. Remember, please, that this proposed development would be almost directly across the road from Gilbert Park Elementary School. The children attending this school are ages 5 to 12 years of age, and most probably will pay more attention to loud fellow classmates than to vehicles going by. And, speaking of traffic, it is amazing how many cars travel Ramona now, including large school buses. Plus, there is another grade school less than 5 blocks east, adding their cars and buses. Our street is now a traffic link to two schools between 122th Avenue and 136th.

Additionally, I understand the county is to widen Foster Road in the near future, and we all dread more traffic that will most likely be detoured on certain occasions to our street.

Please consider our street is 2 lanes with gravel sides for pedestrians. Parking along the road is dangerous now, and will most certainly become worse at the most congested area of the street by the school. Pedestrains will be left with only the street lanes to walk in.

Also I personally dread the noise of twenty five or more cars coming and going from such a park, especially if the in and outs are not black topped.

page 2

To allow this development in its present layout, would be like putting a small city in the middle of a pastoral setting. Very inappropriate and completely out of blend with our community.

Lastly, it seems to me that the spirit of the law, as regards majority opinion has been lost or obscured. Should the people with the property most affected not have the right to have some form of control as to what is to border them as regulated by zoning laws?

Thank you for your thoughtful consideration in a matter which is vitally important to myself and 98% of my neighbors.

Sincerely,


William G. Jacobs

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NOV 1 1991

Multnomah County
Zoning Division

DEPT. OF ENVIRONMENTAL SERVICES

DIVISION OF PLANNING & DEVELOPMENT

PLANNING COMMISSION MEMBERS
CONCERNING PD 2-91 # 427

PD 2-91

on list

OCT 28 -91

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NOV 1 1991

Multnomah County
Zoning Division

Written Comment to Open Record

MY NAME IS CHUCK WISE AND I LIVE
JUST WEST OF THE PROPOSED P-D, 13303 SE RAMONA.
I LIVE ON A SMALL PRIVATE STREET WITH A
TOTAL OF 3 HOMES. THIS PRIVATE STREET WAS
DEVELOPED APPR. 12 YEARS AGO WITH INITIALLY 2 HOMES,
THEN A 3RD HOME 5 YEARS AGO. THERE ARE 6
LOTS ON THIS STREET 10,000 SQ FT. TO 18,000 SQ FT. EACH.
THE LOTS SEEM LARGE, BUT ARE VERY SMALL
COMPARED TO THE HUGE LOTS UP AND DOWN RAMONA.
AS IT IS WITH JUST 3 HOMES, IT IS
VERY OFTEN QUITE DIFFICULT TO ACCESS ONTO
RAMONA. RAMONA ST. IS LONG AND NARROW
WITH A LARGE AMOUNT OF SCHOOL TRAFFIC.
THERE ARE TREES LINING BOTH SIDES OF
THE STREET OBSCURING VIEW OF TRAFFIC.
THE DEVELOPER ON PAGE 10 UNDER "MAJOR
RESIDENTIAL PROJECT LOCATIONAL CRITERIA"
SAYS: "SITE ACCESS WILL NOT CAUSE DANGEROUS
INTERSECTIONS OR TRAFFIC CONGESTION, CONSIDERING
THE ROADWAY CAPACITY, EXISTING & PROJECTED
TRAFFIC COUNTS, SPEED LIMITS, AND NUMBER
OF TURNING MOVEMENTS." THIS STATEMENT
IS TOTALLY FALSE. WITH (25) UNITS AND
ABOUT 100 MORE TRIPS A DAY IT WILL
COMPOUND AN VERY DANGEROUS SITUATION.
THIS ARCHER PARK ENTRANCE, BE REMINDED,

ITS ONLY 300 FT. EAST OF GILBERT PARK
SCHOOL ENTRANCE! WHAT IS MORE IMPORTANT,
SAFETY OF OUR SCHOOL CHILDREN, NEIGHBORS,
AND THE PEOPLE THAT WALK OR DRIVE
DOWN THIS ROAD — OR THE HUGE DEVELOPMENT
OF A (25) UNIT PARK?

AT THE HEARING OF OCT 7th AFTER MR.
ST. CLAIRE, PRINCIPAL OF GILBERT PARK SCHOOL,
SPOKE, (ON BEHALF OF GILBERT PARK SCHOOL AND DAVID
DOUGLAS SCHOOL DISTRICT) I COULDN'T HELP
BUT NOTICE IN MY OPINION SOME NEGATIVE TYPE
COMMENTS OR QUESTIONS ASKED OF HIM. IT
IS OUR NEIGHBORHOOD'S OPINION THAT HIS ONLY
CONCERN IS FOR THE WELFARE OF OUR CHILDREN!

MR ST. CLAIRE OFFERED THE USE OF GILBERT
PARK SCHOOL TO THE P-D DEVELOPER TO
ADDRESS THE NEIGHBORS CONCERNS ON THIS
PROJECT! IMMEDIATELY AFTER OCT 7th HEARING
I GAVE MR SWAN (DEVELOPER) MY HOME &
WORK NUMBER FOR FUTURE CONTACT ON SOME
OF THESE CONCERNS THAT THE NEIGHBORHOOD
HAS! WE HAVE HEARD NOTHING!

IF ALSO HAVE CONCERNS ABOUT THE LIST
OF QUESTIONS OR CONCERNS THAT THE COMMISSION
MEMBERS GAVE OR ASKED OF MARK HESS, OR
DEVELOPER? JO DO, HAVE THESE ITEMS BEEN
DONE? THERE SEEMS TO BE A LOT OF UN-ANSWERED
QUESTIONS!

THANK-YOU

Oh W

13129 SLEMANDE

OCT. 22-91

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING & DEVELOPMENT

PLANNING COMMISSION MEMBERS
COUNCILING PD-2-91 # 427

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NOV 1 1991

PD2-91

Written Comment to Open Record

Multnomah County
Zoning Division

I HAVE LOOKED OVER TO THE BEST OF MY ABILITY THE TENTATIVE PLAN OR MAP OF PARCLET PARK, 13303 SE RAMONA. I AM VERY MUCH AGAINST THE SMALL SIZE OF MOST OF THE SPACES. THE STREET TAKES UP A LARGE PORTION OF MOST OF THE SPACES. IN ADDITION THE DEVELOPER WANTS TO BE ABLE TO USE 50% , NOT 40% OF REMAINING SPACE FOR MOBILE HOME. THERE WILL BE VERY LITTLE OPEN SPACE LEFT. WHAT ABOUT GRASS OR SCRUBS? LOOKING AT THIS DEVELOPMENT FROM MY HOME AND A LOT OF MY NEIGHBARS HOUSES, IT WILL LOOK ALMOST LIKE ONE LARGE ROOF OF A HUGE BUILDING! A GEE FENCE WILL NOT SAVE MUCH OF OUR PRIVACY, OR KEEP THE NOISE DOWN FROM THAT MANY PEOPLE IN SUCH A SMALL AREA! #

SINCE THIS AREA (128th TO 136th + RAMONA) WAS CHANGED FROM LR-10 TO LR-5, WHICH I THINK WAS ABOUT TEN YEARS AGO, ONLY 3 HOMES HAVE BEEN PUT UP ON SMALL LOTS. (5000 SQ FT) I HAVE CHECKED AND NO TREES WERE CUT DOWN! (SENDING PICTURES OF HOMES) THANK-YOU FOR YOUR TIME.

Chuck Wilson

1312A SE RAMONA

OCT. 25-91

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING + DEVELOPMENT

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NOV 1 1991

PLANNING COMMISSION MEMBERS - STAFF (MARK HESS)

Multnomah County
Zoning Division

CONCERNING PD 2-91 # 427 PD 2-91

Written Comment to Open Record

MY NAME IS CHUCK WISE AND I SPOKE AT
THE OCT. 7th HEARING! I AM OPPOSED TO THIS PROPOSED
P-D 2-91 AT 13303 SE RAMONA ST.

FIRST I WOULD LIKE TO CORRECT SOME
INFORMATION I GAVE AT THE OCT. 7th HEARING.
THIS PROPOSED P-D 2-91 (25 UNITS) ^{13303 SE RAMONA} IS IN FRONT (NORTH)
OF GILBERT PARK SCHOOL. I TALKED ABOUT A
(71) UNIT P-D BEHIND GILBERT PARK SCHOOL THAT
WAS DENIED ACCESS TO RAMONA ST. THE P-D
BEHIND GILBERT PARK SCHOOL WAS ONLY (31) UNITS.
IT WAS APPROVED IN 2-87 WITH-OUT
ACCESS TO RAMONA ST. THIS IS ONLY (6) MORE
MOBILE HOMES (THAN 13303 SE RAMONA WOULD HAVE). I AM
ASSUMING THE RAMONA ACCESS WAS DENIED BECAUSE OF
CHILD SAFETY, TRAFFIC CONGESTION, NOISE, NEIGHBORHOOD
LIABILITY, ETC, ETC. THIS DENIED ACCESS WOULD HAVE
BEEN ABOUT 400 TO 500 FEET WEST OF GILBERT PARK SCHOOL.
THE ACCESS TO THE PROPOSED (25) UNIT P-D 13303
SE RAMONA, IS ONLY ABOUT 300 FEET EAST OF GILBERT
PARK SCHOOL. I'M CONFIDENT THIS ISSUE BY IT
SELF, SHOULD BE OF ENOUGH CONCERN FOR THE
SCHOOL CHILDREN, TO STOP THIS PROPOSED P-D.
I ALSO DON'T UNDERSTAND WHY THERE IS NO OPEN
AREA, AND NO EXTRA PARKING SPACES FOR CARS,

TRUCKS, BOATS, OR RV'S AS WAS THE CASE
FOR "CONDITIONS OF APPROVAL" FOR THE (31) UNIT P.D.
IN THE (31) UNIT P-D (P-D 1-86 #426) UNDER COMPREHENSIVE
PLAN POLICIES 1 (PAGE 7) IT SAYS "EXISTING LARGE-GROWTH
TREES WILL BE LEFT ON THE SITE" YET WHEN
THE P-D WAS BUILT, EVERY TREE WAS CUT
DOWN! IS THERE NO ENFORCEMENT IN THESE
P-D'S?

BY LOOKING AT THE "TREES PROPOSED FOR
REMOVAL" SITE MAP SENT IN BY DEVELOPER IN
THE (25) UNIT P-D, IT APPEARS THAT
THIS 3.18 ACRES WILL BE STRIPPED OF
MOST OF THE LARGE OLD-GROWTH TREES!
HOW CAN THIS BE ALLOWED? IF THERE
WERE LESS MOBILE HOMES BEING PUT
IN, MAYBE WE COULD PROTECT MORE
OF THE ENVIRONMENT! THERE ARE JUST
TOO MANY MOBILE HOMES TRYING TO
BE PUT IN TOO SMALL OF AN AREA!

THE "APPLICANTS PROPOSAL" SAYS:

"PARCHER PLACE, A PROPOSED, MANUFACTURED STRUCTURE DEVELOPMENT,
IS CONCEIVED AS BEING A 25 SPACE HOUSING COMMUNITY,
NESTLED IN A GROVE OF MATURE FIR TREES," WHO,
IS KIDDING WHO, MOST OF THE TREES WILL
BE TAKEN OUT! WHY?

THANK-YOU FOR LISTENING TO MY VIEWS

Chuck Wiser
13129 SE RAMONA (2)

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING + DEVELOPMENT
PLANNING COMM. MEMBERS - STAFF (MARK HESS)
CONCERNING PD-2-91 # 427

on list

OCT. 21-91
RECEIVED

NOV 1 1991

Multnomah County
Zoning Division

PD2-91 Written Comment to
Open Record

I HAVE LIVED AT 13129 SE RAMONA, JUST WEST OF THE PROPOSED P.D., FOR 6 YEARS. I LIVE DIRECTLY ACROSS ^{RAMONA} FROM GILBERT PARK SCHOOL (K-6) (AGES 5-12). I SPOKE AT THE OCT. 7th HEARING ABOUT THE HOUSES AND LOT SIZES FACING RAMONA BETWEEN 128th + 136th. THERE ARE 37 HOUSES AND 8 EMPTY LOTS FACING RAMONA BETWEEN 128th + 136th. ONLY 8 HOUSES ARE ON LOTS AS SMALL AS 5000 TO 7000 SQ. FT. OF THE 8 EMPTY LOTS ONLY 1 IS AS SMALL AS 5000 SQ. FT. AND IT IS ON FRONT OF PROPOSED P.D. ABOUT 50% OF ALL THESE HOMES + LOTS RUN VERY DEEP, SOME 300 FT. DEEP. THERE ARE SEVERAL HORSE AND COW PASTURES, A CHURCH, AND A LARGE SCHOOL AREA! BETWEEN 128th + 136th THERE ARE ONLY 3 SMALL SIDE ROADS (PRIVATE ROADS) TO GET BACK INTO HOMES (BECAUSE OF DEEP LOTS). THERE IS ONLY 1 SIDE STREET 131ST PL., WITH 8 HOMES AND IT IS A DEAD-END. OUT OF THIS WHOLE AREA (BETWEEN 128th + 136th) ON RAMONA, THERE ARE ONLY 3 RATHER LARGE PARCELS LEFT, 1 PARCEL HAS 2 HOMES ON IT, 1 PARCEL IS A COW PASTURE, AND THE OTHER PARCEL IS PARCHER PARK. PARCHER PARK IS ABOUT DOUBLE THE SIZE OF THE OTHER PARCELS. IF THE PROPOSED P.D. OF (25) UNITS IS APPROVED, IT WILL DRASTICALLY CHANGE THE CHARACTER

OF LARGE RURAL LOTS WITH PLENTY OF
OPEN SPACE! THE WAY THIS RAMONA ST.
IS SET UP, THERE WILL ALWAYS BE A
LOT OF LARGE LOTS BECAUSE OF THEIR
DEPTH. EVEN THOUGH IT IS ZONED LR-5,
MOST LOTS ARE 10,000 SQ FT. AND MUCH
LARGER. THERE WILL NEVER BE ANY
MORE ACCESS TO RAMONA (OTHER THAN 128th OR
136th) BECAUSE OF THE BIKE PATH + GULLY
ON THE NORTH SIDE, AND ON THE SOUTH
SIDE ITS LAND LOCKED BETWEEN RAMONA + RIDER.
YES WE DO HAVE A PROBLEM WITH RAMONA
BEING THE ONLY STREET, BUT WE CAN'T CHANGE
THAT! I THINK THE LARGE BALANCE OF NEIGHBORS
ARE HERE BECAUSE OF THAT FACT! THE LAST
THING WE NEED IS A LARGE DEVELOPMENT
BEING PLACED WHERE EVENTUALLY A SMALL
AMOUNT OF HOMES WILL PROBABLY BE BUILT!
THE TRUE LIVE-ABILITY OF THIS NEIGHBORHOOD
IS ONLY KNOWN BY THE PEOPLE THAT
LIVE HERE! I'VE SENT PLENTY OF PICTURES
TRYING TO SHOW SOME OF HOMES & LAND ON RAMONA.

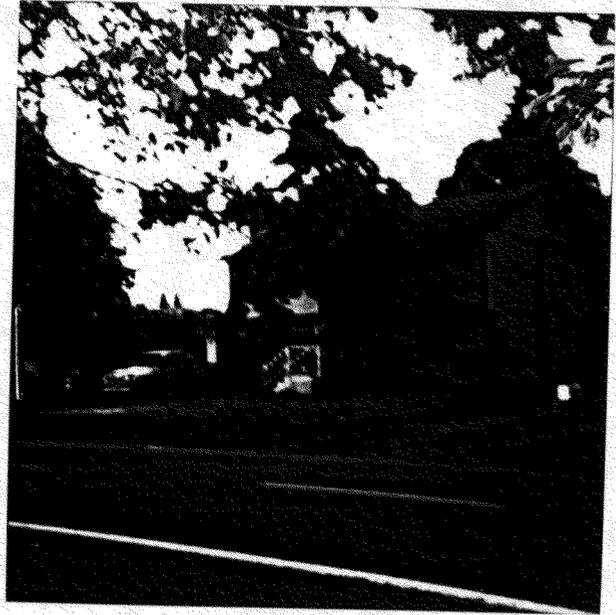
Chuck Weber

13129 SE RAMONA

10-91

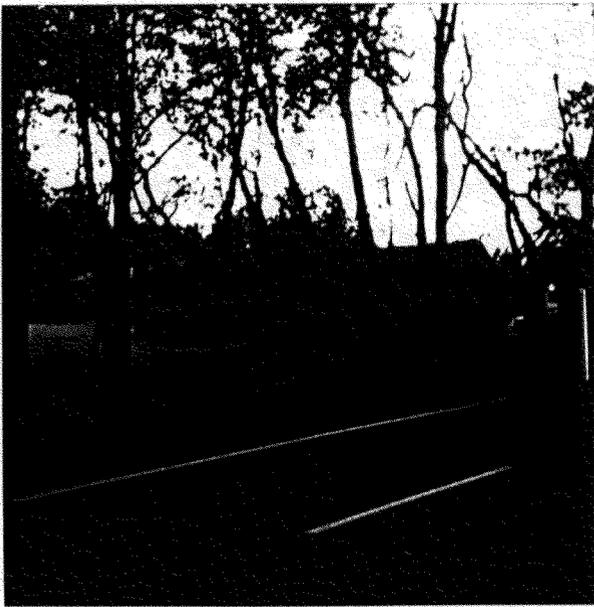


12810 SE RAMONA
CORNER HOME WEST END OF
RAMONA



12841 SE RAMONA
5300 SQ. FT. LOT TREES SAVED!

10-91



12846 SE RAMONA LARGE
LOT
WEST OF SCHOOL

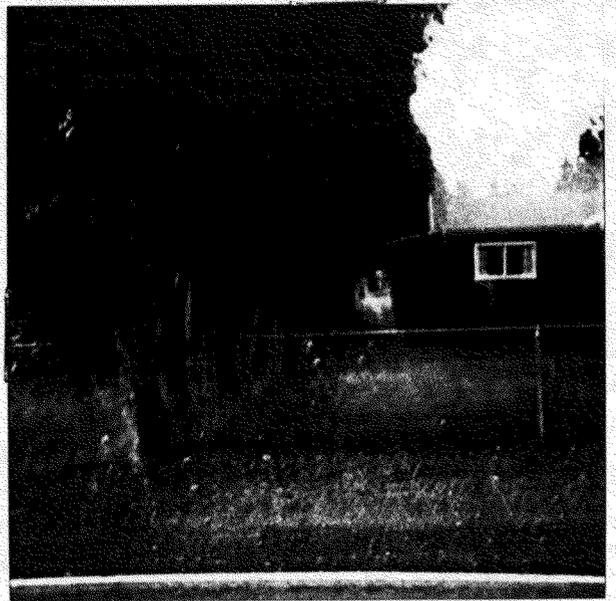


12846 SE RAMONA
VERY LARGE DEEP LOT
2 HOMES

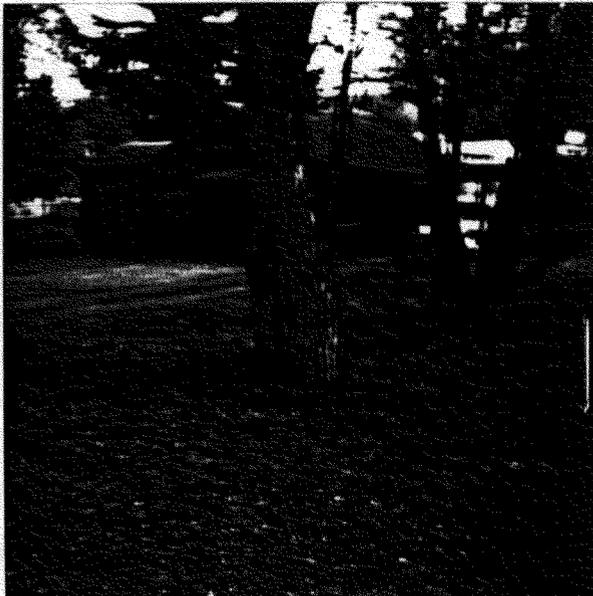
PP 2-91 - Exhibit to Open Record
Pictures Submitted by Mrs. Wise, 10/31/91. 189.



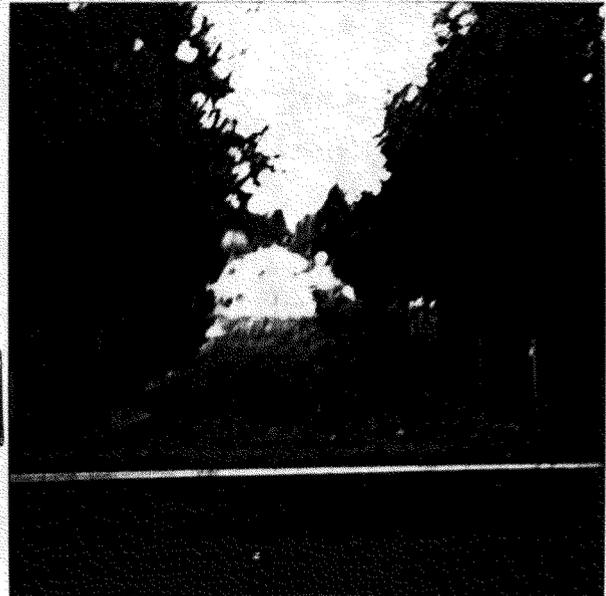
12849 SE RAMONA
5060 SQ. FT. LOT & HOME
ABOUT 2 YRS. OLD TREES KEPT!



12919 SE RAMONA
WEST OF PARKER PK.
200 FT DEEP LOT



12928 SE RAMONA
SMALL HOUSE ON SMALL LOT!



12929 SE RAMONA IN BACKGROUND
IN P-D THAT WAS DENIED
ACCESS TO RAMONA!

7D2 91
379

10-91

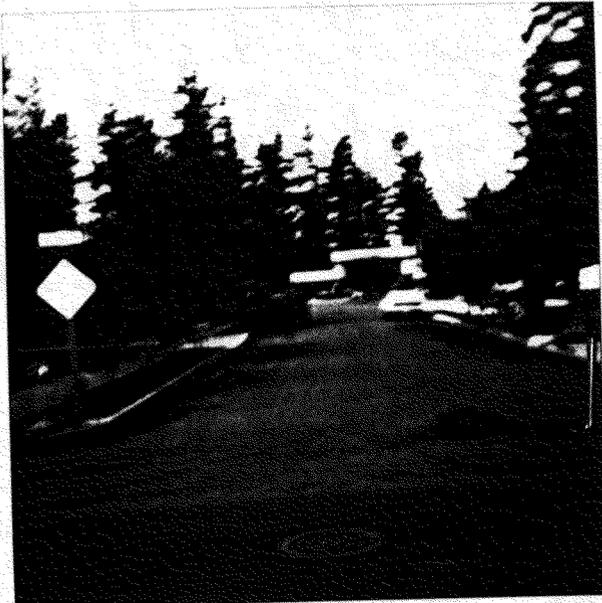


130th + RAMONA — CHURCH
WITH DEEP LOT AND FINE!



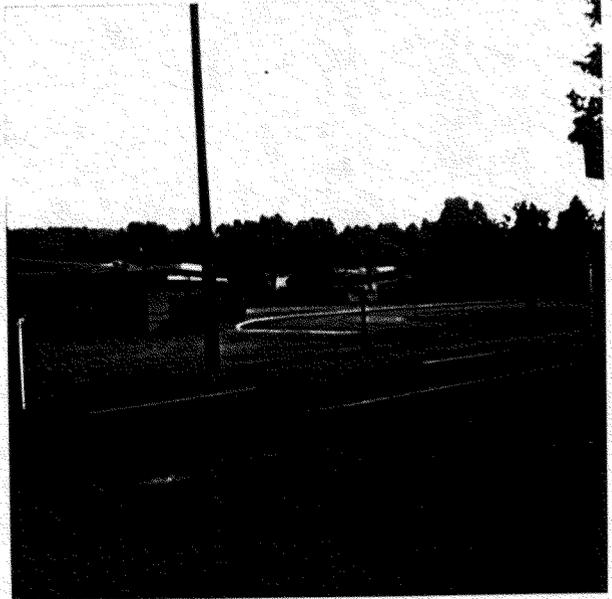
130th SE RAMONA LARGE
DEEP LOT!
JUST WEST OF SCHOOL

10-91



SE 131st + RAMONA DEAD-END
ONLY PUBLIC SIDE ST. BETWEEN
128th + 136th WEST OF PARKER
PK.

13132 RAMONA



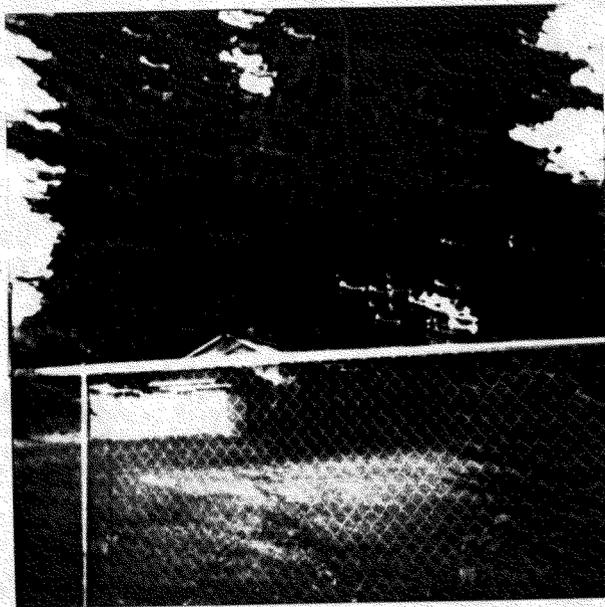
GILBERT PARK SCHOOL TAKEN
FROM VIEWWAY OF PROPERTY
ABUTTING PARKER PARK!

772-91
389

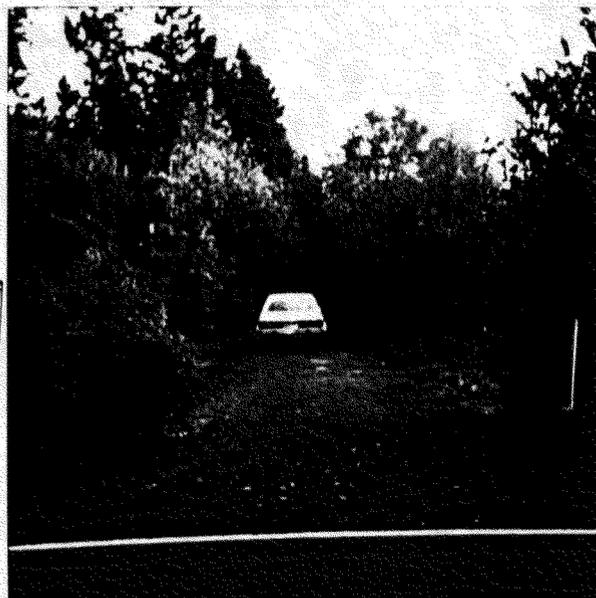
1091



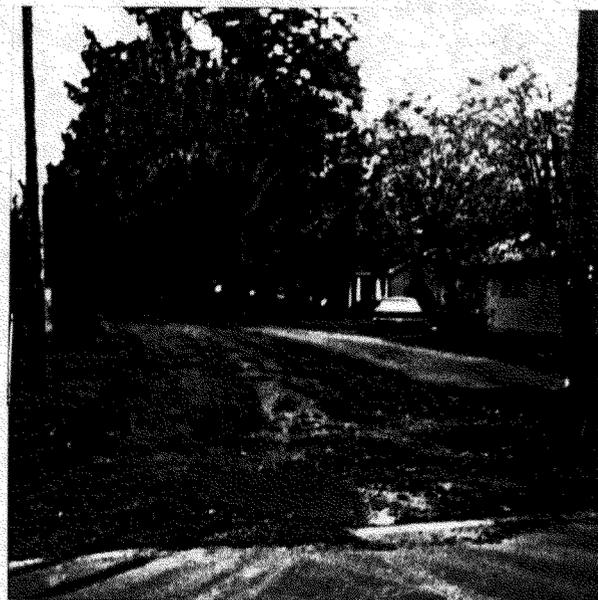
13132 SE Ramona
PART OF GILBERT PARK SCHOOL
ACROSS RAMONA + WEST OF PARKER



PART OF PARKER PARK! 13235 SE
RAMONA
HOUSE + MOST OFF TREES TO
BE REMOVED!

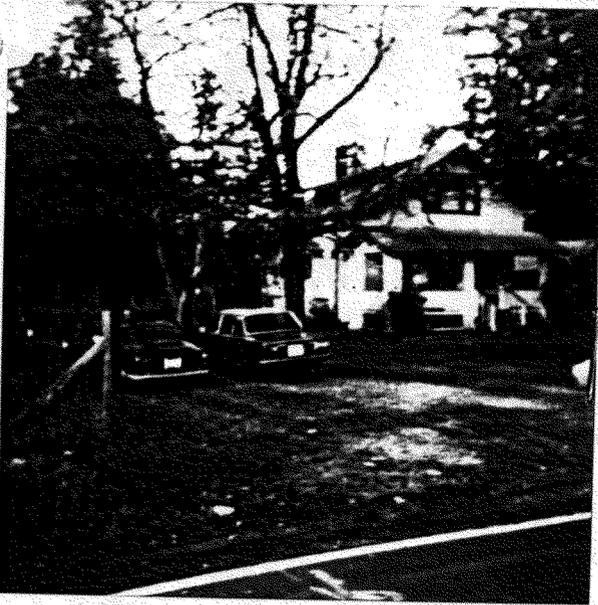


13246 SE RAMONA
DIRECTLY ACROSS RAMONA FROM
PARKER PARK LARGE +
FENCE



15316 - 13316-A 13229 SE RAMONA
DEEP LOT WITH 3 HOMES! 3rd
HOME IS BACK ~~+~~ TREES
ACROSS STREET FROM PARKER PARK!

RD2-91
48
9.



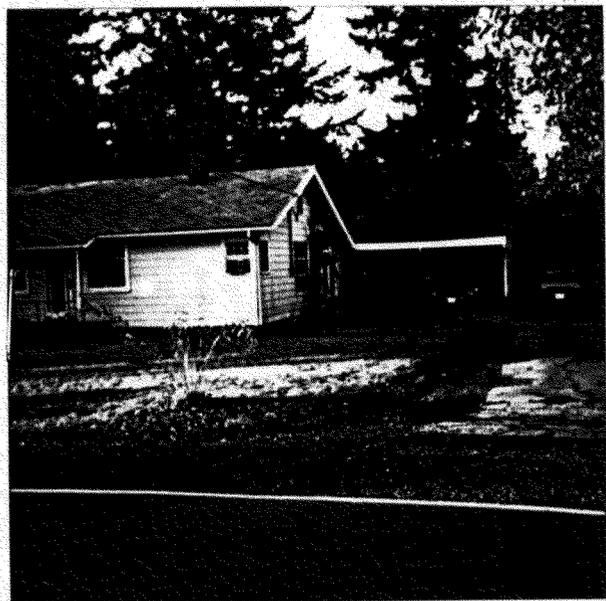
13333 SE RAMONA
S.E. CORNER OF PARCHER PARK
LARGE LOT



10-91
HORSE PASTURE & NEWER HOME
13336 SE RAMONA. LARGE LOT!



10-91
13336 SE RAMONA
A COW + HORSE PASTURE!



10-91
13409 SE RAMONA
300 FT. DEEP LOT
JUST EAST
OF
PARCHER PARK

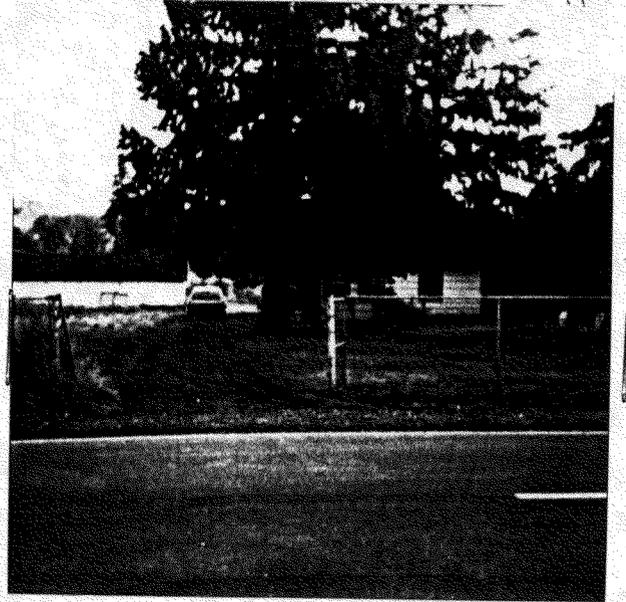
PD2-91
589.

691



13429 SE RAMONA
LARGE DEEP LOT JUST
EAST OF PARCHEE PARK

691

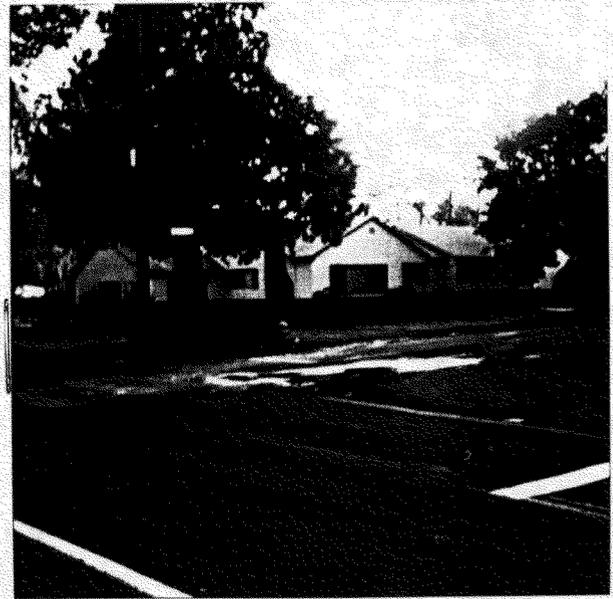


13434 SE RAMONA
EAST END ACROSS RAMONA FROM
PARCHEE PARK LARGE LOT

691



13453 SE RAMONA
EAST OF PARCHEE PARK
LARGE DEEP LOT



CORNER LOCUS ON 136th + RAMONA
LARGE LOT

13546

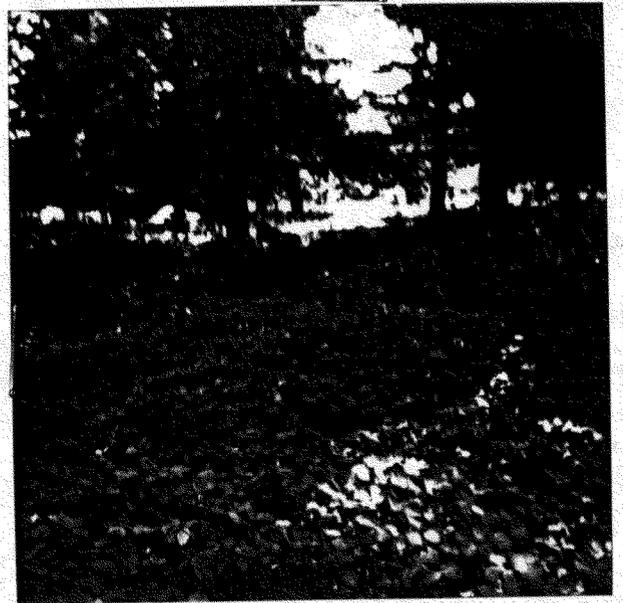
7D2-91
689

10-91

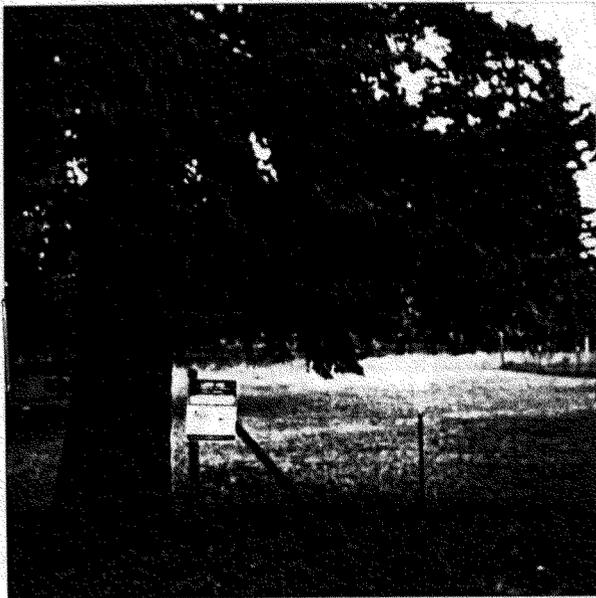


PARCHER PARK TREES TO BE
REMOVED

10-91

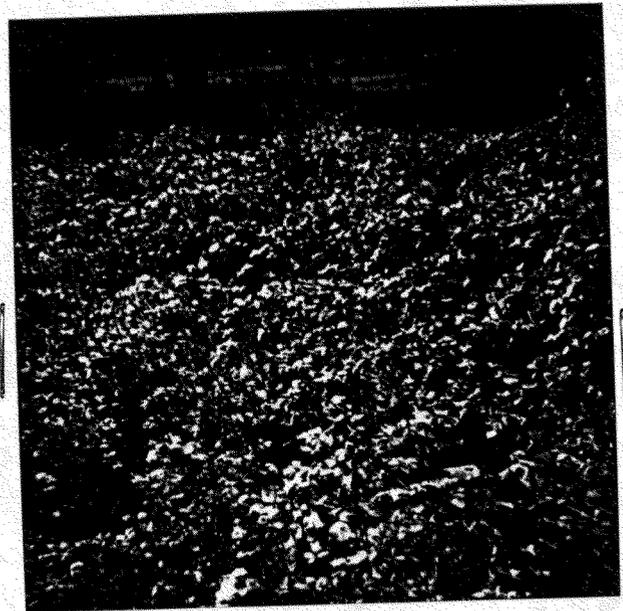


N.E. PARCHER PARK
COMPLETELY FILLED IN, MORE
TREES TO GO!



ENTRANCE TO PARCHER PARK
TREES?

10-91



THIS AREA IS AT N.E. CORNER
OF PARCHER PARK. USED TO BE
25 FT. DOWN, USED-LAND IN WINTER,
NOW HAS BEEN FILLED UP!

PD2-91
18A

10-91



NE CORNER PARKER PARK
ALL FILLED IN - GRASS OVER
IN SUMMER OF 89-90. MOST
TREES TO BE CUT DOWN!

10-91

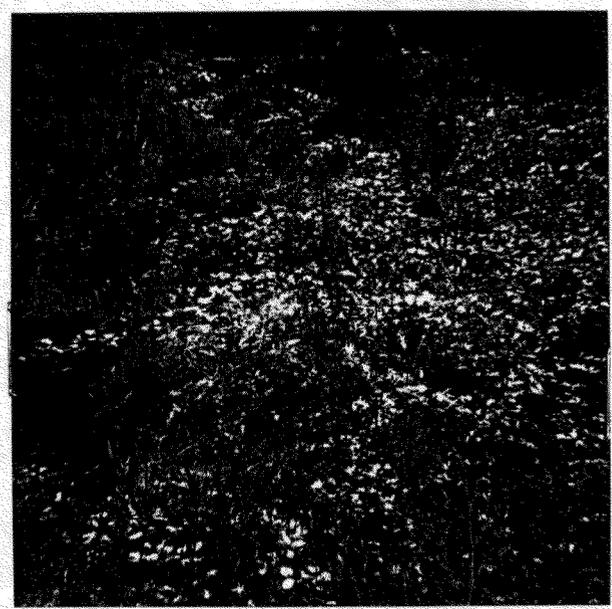


NE CORNER PARKER PARK
STILL SOME FILL VISIBLE!
THIS AREA USED TO BE 20-25
FT. DEEP! - PUMPING OVER!

10-91



NE CORNER COMPLETELY FILLED
IN OVER OLD TRENCH!

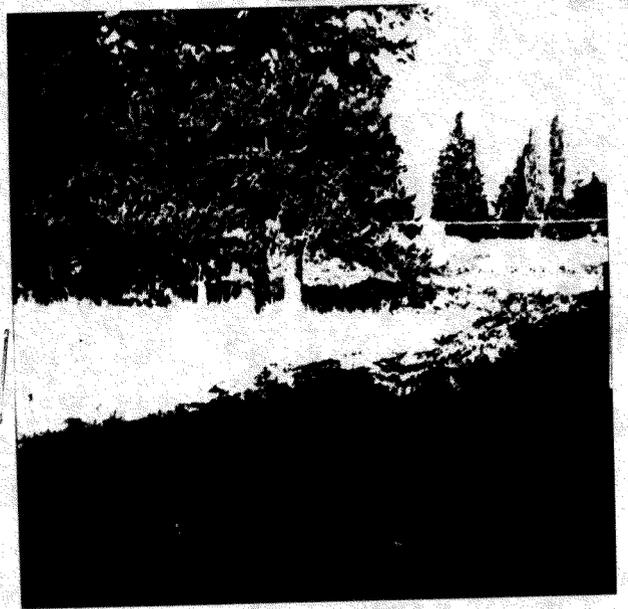


AREA NE CORNER PARKER PARK
ALL FILLED IN!
USED TO BE LOW + WET IN WINTER

RD 2-91
J J
9

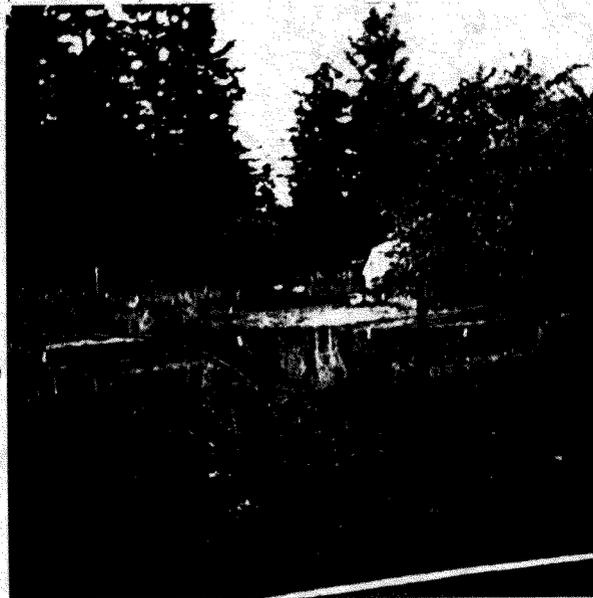


EMPTY LOT ADJACENT PARKER PARK
MIDDLE BACK - CORNER I. RD. NOT
ALLOWED ACCESS TO ROADWAY



N.E. CORNER OF PARKER PARK
FROM DISTANT MOUNTAIN
VIEW

PART OF ENTRANCE TO PARKER PARK



SMALL LOT END FRONT OF
PARKER PARK!
T.L. 587
SQUEEZE!

RD 29,
979
9

October 30, 1991

on list

Division of Planning & Development
Multnomah County
2115 S.E. Morrison St.
Portland, Oregon 97214

PD 2-91
Written Comment
to Open Record

Dear Commissioners:

I live in the Gilbert Park area and live next to the Parcher Park property.

At the first hearing, one of the statements I recall hearing was that the continuation of the hearing was to be postponed to a later date, so further study of the area could be made. I was under the impression that a technical study was to be made on the alleged dumping site. A review of the street conditions and traffic count was also to be done before the hearing was to continue. As of 10/30/91 nothing has been done or submitted and I feel it is in the best interest of the entire neighborhood that these things be completed or that the commissioners know that the "laundry list" was not carried out. Mr. Swan submitted a map the day of the hearing 10/7/91 showing the trees that would be taken down. When the commissioners asked exactly how many would be taken down, Mr. Swan evaded the question by answering that "he would try not to even take half of them". But it looks to me, from the map that at least 3/4 of the trees will be taken. The trees should be of concern, since this area is in the environmental zoning for the Johnson Creek and Wetlands area.

My main concern is the added traffic that will be added to the already busy street and narrow road. Morning and afternoon school traffic is very busy, especially during wet and rainy winter days. The driveway of the school is only a few feet from the driveway of the mobile home court. They will almost face each other! In 1987 the planning commission denied access on Ramona St. for 31 units that went in. This court would have no other road to access except Ramona, and across the street from a grade school.

Neighbors who have lived here all their lives, have stated seeing and knowing of the dump site. Barrels and trash of all kinds.

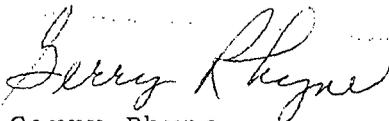
When I purchased my property, 12 years ago, I had to work around the trees and was allowed only a few trees to be removed to build my house. My almost acre sits with as many as 60 fir trees, 130 Rhododendrons and Azaleas and numerous other plants native to Oregon. I landscaped the entire area and kept the natural and woodsy effect of the area.

Mr. Swan suggested we look at his new trailer park in Troutdale. I did as he suggested. I came upon a nice

newly painted 4ft. fence, a flat clear piece of property with a small line of trees on the edge of the property. Neighbors told us the property was vacant of trees in the beginning. I came upon 2 trailers with a nice expanse of lawn when I entered the court. When I rounded the corner, I witnessed a narrow road with trailers so close to each other. It reminded me of an old fashion trailer court. Just a row of trailers on both sides. With cars parked on both sides of the street, which Mr. Swan indicated there would be parking on only one side of the street in the Ramona court. This area is not treed like this area, with a busy main road next to the court for access. 26 units is one long line of trailers. Our area is completely different and should be considered as such.

We are a proud neighborhood, and I have met many new and old neighbors and feel that this concern has only brought us closer to each other and I feel the outreach by the school, parents and neighbors is tremendous and hope you'll feel it too. We as neighbors welcome more new neighbors, but feel they should be single dwelling 5000' lots as the rest of us. Our neighborhood is varied, with the elderly to the young, some in old houses to some in new. Mr. Swan showed slides that did not reflect our area at all. Our grade school and Jr. High are very much a part of this neighborhood. Our principals Mr. St. Claire and Miss Brooks are highly regarded and loved by not only the students, but the parents and neighbors as well. Being close in, Gilbert Park area is actually a very rural area. With many homes providing areas for many farm animals. We have many tall, and elegant firs which enhance our area. I've had racoons at my back door, and quail at my front. The pheasants use my yard to glide from one field to another. So please consider us and our concerns. Our safety of our children, the amount of more traffic our road will have to endure. The cutting down some very large trees, and the overall ruin of area and the environment.

Thank You,


Gerry Rhyne

13133 SE RAMONA

RECEIVED
OCT 11 1991

Multnomah County
Zoning Division

on list

October 28, 1991

PD 2-91
Written Comments
Fac Open Record

Department of environmental Services
Division of Planning & Development
2115 SE Morrison Street
Portland, Oregon 97214

Dear Sirs

I am writing in regard to the planned development for the Mobile Home Park at 13303 SE Ramona.

We feel that the traffic on Ramona Street is a problem already. By allowing the Mobile Home Park to be built here this is going to add tremendously to this problem.

The safety of our children is at stake. When there is a school function going on at the school the cars line both sides of the street. This makes it difficult for those whose driveways or streets enter onto Ramona to do so safely. It also makes it difficult for the children to walk to school, because there are no sidewalks for them to walk on.

I can't understand how this Mobile Home Park could be approved, when the Mobile Home Park that is located at 12928 SE Ramona wasn't allowed access to Ramona Street by the Planning Commission because of the concern over the safety of the children coming and going to the two schools on Ramona. Also because of the tremendous amount of traffic that already flows on Ramona Street. By allowing this said Mobile Home Park to be built, you will be adding to this problem.

Furthermore, it was brought to our attention, that there was a dumping site on the property that this Mobile Home Park is to be built on.

From my observation, and others who have lived around the property that was dumped on, this dump was NOT cleaned up, but was just covered over with dirt. From talking with some of the people who have lived around the dump site, and also contributed to it for over 30 years there is probably hazardous material under the fill dirt. We feel this should be looked into.

We hope you feel that the environment, and the health of all those who live in the neighborhood is important.

Sincerely yours

Dennis Hildreth
Julie Hildreth

Mr. and Mrs. Dennis and Julie Hildreth

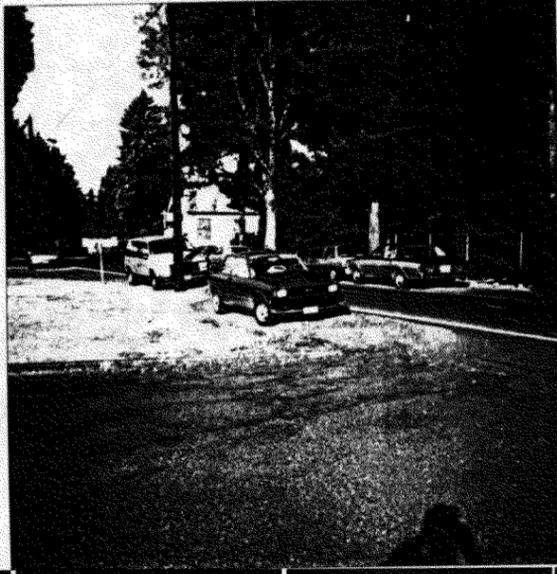
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OCT 30 1991

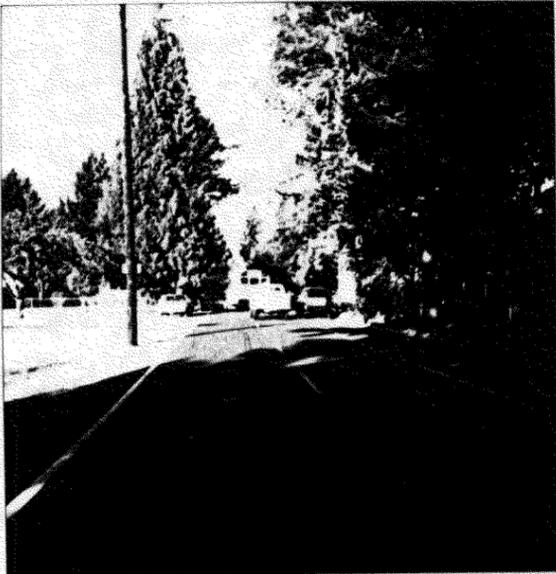
Multnomah County
Zoning Division



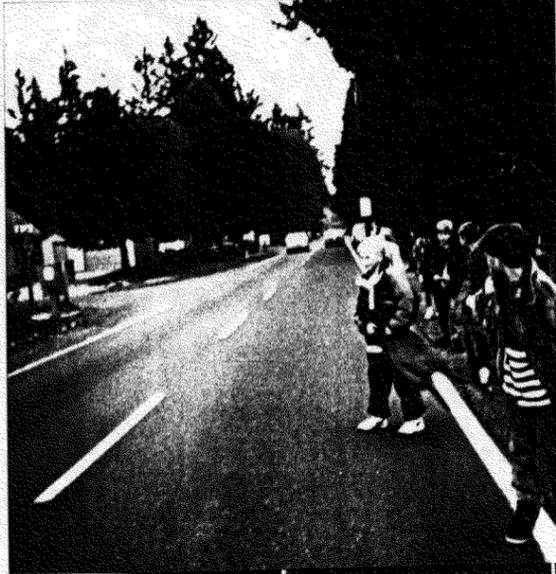
View of Ramona St. going West with cars parked waiting for children to be picked up.



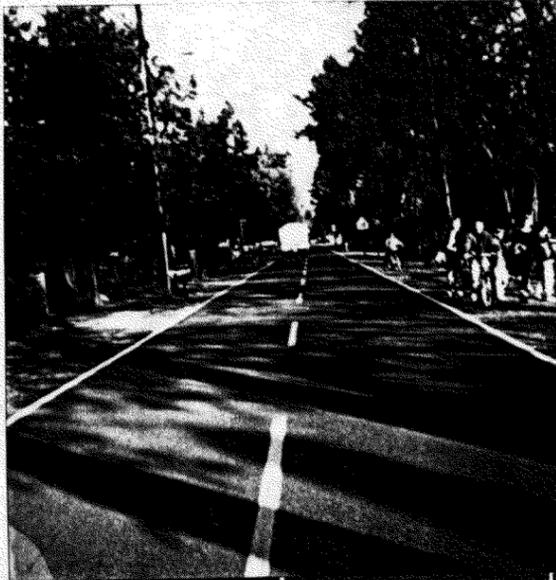
Example showing car's parked on the road either picking up or dropping off children. Taken from school driveway.



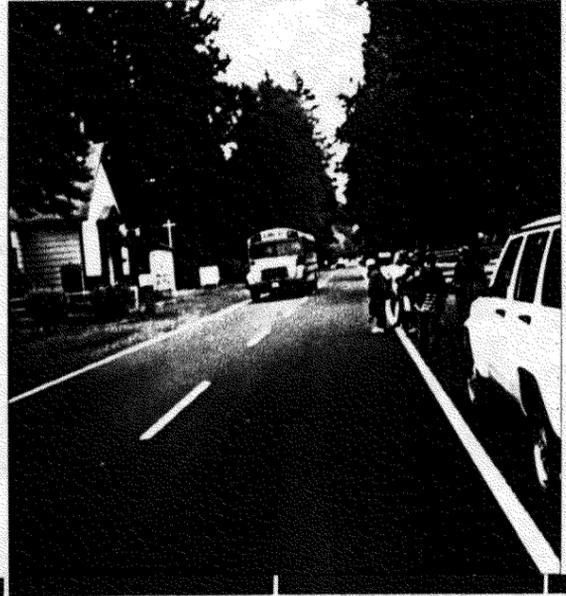
View going West on Ramona. Taken in front of school driveway closest to the proposed development.



Group of children watching out for traffic as they walk home on Ramona.



Taken just as some kid's are leaving school.



Children and school buses leaving the school on Ramona St.

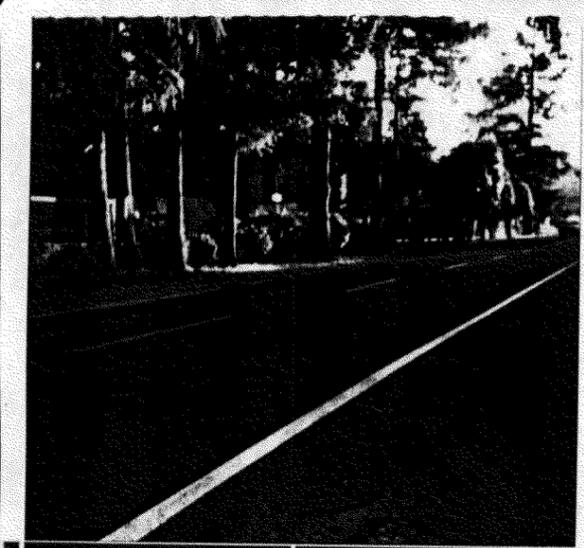
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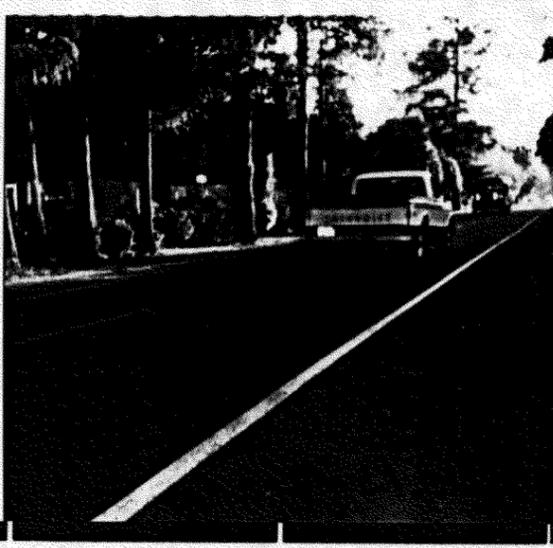
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daily traffic on
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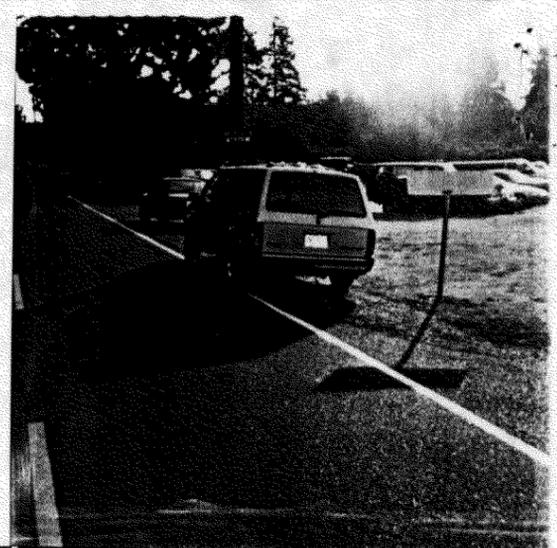
RECEIVED



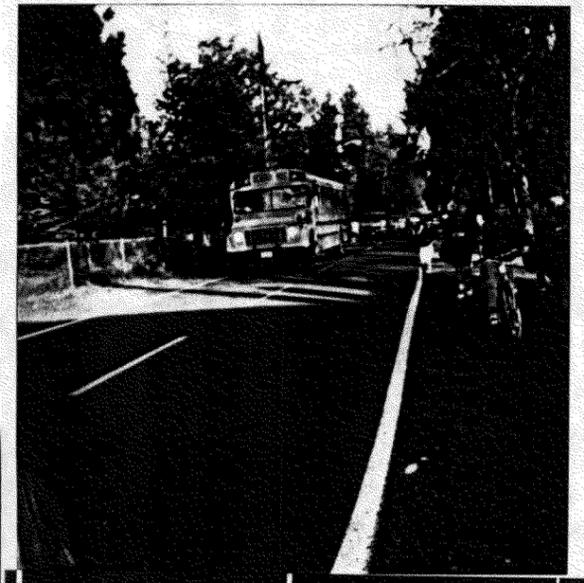
View going East on Ramona St. Trees are in front of proposed development. Taken from school's driveway.



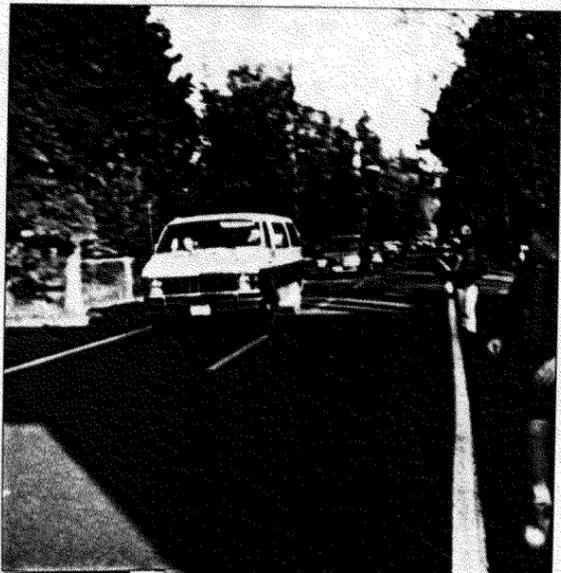
Example of Ramona St. from Gilbert Park School driveway. Truck is in front of proposed property to be developed. Entrance to development would be between the two vehicles, just in front of the School bus.



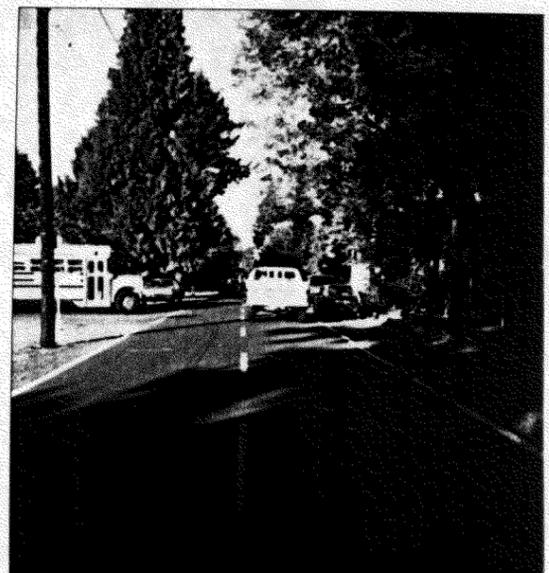
East side of street with cars present during school hours. Cars furthest away are across from "Parcher Park".



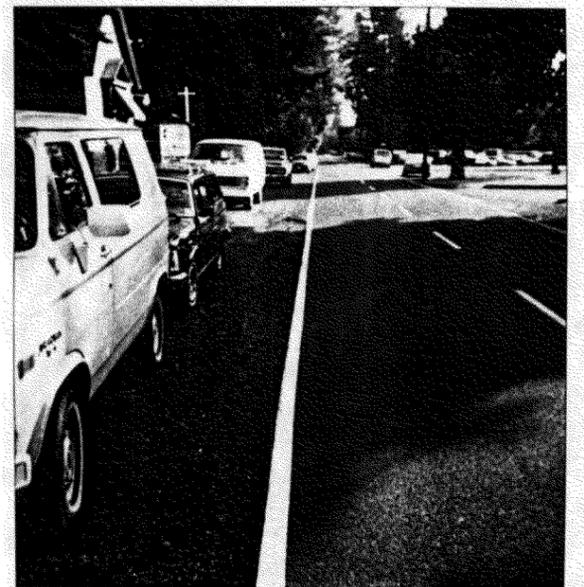
Front view of traffic leaving the School going West on Ramona to 128th Street.



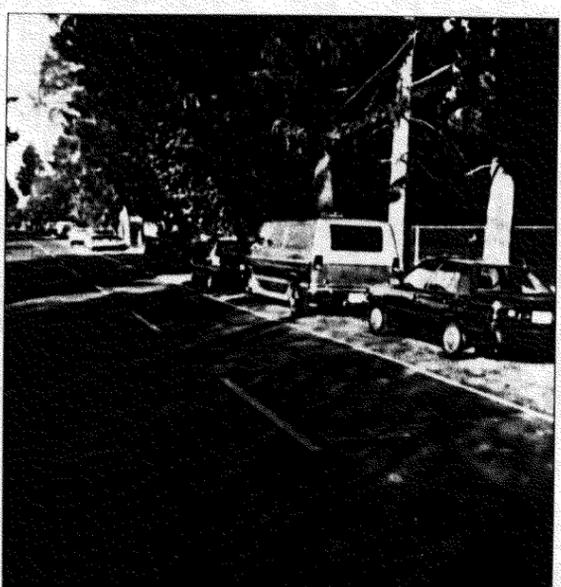
Some traffic as it's leaving the School going down Ramona St.



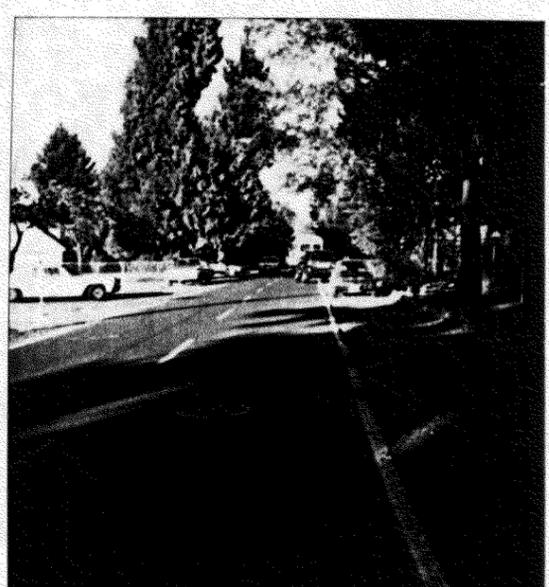
View going West on Ramona showing some morning traffic with school buses present.



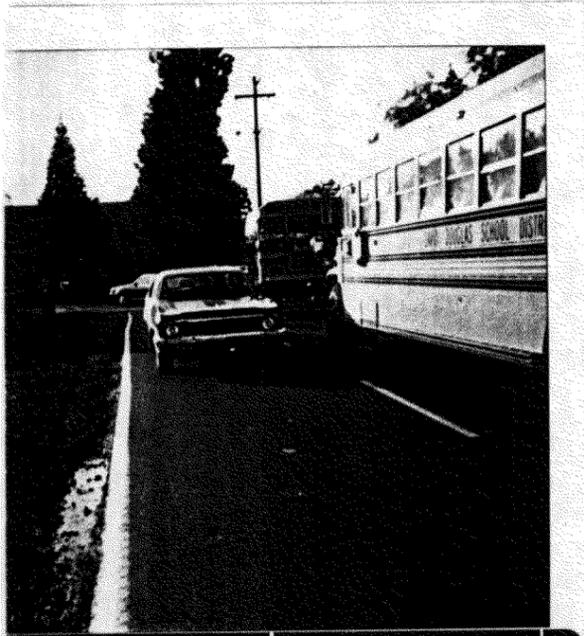
More examples of Ramona St. with cars present during school hours. School driveways on the right side.



Showing width of road going West to 128th on Ramona in front of school.



View going West on Ramona. Taken as traffic is leaving the school.



PD 2-91
Written Comments
to Open Record

Example's of daily traffic
SE Ramona St.

WE NEED YOUR HELP!

If you have concerns with these issues please take the time now to write down your comments and mail them to:

Department of Environmental Services
Division of Planning & Development/Attention: Mark Hess
2115 SE Morrison Street
Portland, Oregon 97214

Vertical stamp: PROJECT DEVELOPMENT DIVISION
10/11/91
10/11/91

or return it no later than Oct. 25, 1991 with your student and I will hand deliver it for you. I believe we have a serious issue here that needs to be considered before a development of this size be allowed at this location. With your help we may be able to stop it.

Sincerely,

Kayla Mack
Gilbert Park PTA Co-Chairman

Comments: I am against the
planned development for a Mobile Home
Park at 13303 SE Ramona. Not only
is Ramona Street too narrow and
unimproved to accomodate more
traffic but Gilbert Park Elementary
School is filled to capacity without
the addition of more mobil parks in the area

Signe Nelson 10-22-91
Name

Signe Nelson
Address
13039 SE Cooper
Portland, Or
97236

Louise Machi
Gilbert Park PTA Co-Chairman

Comments: I Also Believe This Would Be A Tragic Error
In The Planning & Development OF This Area. Any One Who
Lives In Or Knows The Area Can Tell That During School
Hours It Is Already Dangerous Enough Trying To Get
Into And Out OF The Schools. Keeping In Mind These
Schools Are Attended By Young Children Who Must Walk
Or Ride There Bikes To Get To School.

Dorcas C. Butler
Name

5660 S.E. 123rd Portland, OR
Address
97236

Louise Machi
Gilbert Park PTA Co-Chairman

Comments: Yes! My husband and I agree
that having a Mobile Home Park
would be a big mistake. It would
be dangerous for the children at
Gilbert Park on buses & walking to
School - It would bring a tragedy sooner
or latter.

Name

Mireille
Fuel

Address

12137 SE Henderson
Portland, OR. Or.

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

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If you have children who attend Gilbert Park or Alice Ott Middle School you are already aware of the traffic problem we have on Ramona street. We are concerned with the safety of the kids traveling to and from school on this street daily. Gilbert Park School alone has 569 students at the present time. The paved area of the street is only 18' 4" wide with no sidewalks. We have a tremendous amount of traffic on this street daily including the school buses for both schools. If the above mobile home park is allowed to go in, we will be dealing with a minimum of 100 more trips of traffic per day. The only access to the park would be within 300 feet of the driveway to Gilbert Park School.

On Feb. 9, 1987 the mobile home park located at 12928 SE Ramona was approved. The Planning Commission did not allow access to this park from Ramona Street because of the neighbors concern regarding pedestrian and vehicular traffic. The entrance and exit to this park are located on Foster Rd.

At the present time the approved Mobile Home Park development on the corner of 136th and Holgate (of at least 117 homes) will not impact the student population at Gilbert Park, but will increase the number of cars using 128th and 136th as an access to the new development, we are concerned as both of the above streets are within the student walking boundaries to Gilbert Park. The new Mobile Home Park on 133rd and Ramona will tend to disproportionately increase the impact of the additional traffic on Ramona Street. Past experience has led us to believe that concerns are not addressed until there is a tragedy. I am not willing to wait, are you?

WE NEED YOUR HELP!

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Portland, Oregon 97214

or return it no later than Oct. 25, 1991 with your student and I will hand deliver it for you. I believe we have a serious issue here that needs to be considered before a development of this size be allowed at this location. With your help we may be able to stop it.

Sincerely,

May Lee Macki
Gilbert Park PTA Co-Chairman

Comments:

I agree! There is far too much traffic on 136th, 128th and Ramona

I live on Ramona St. and the people don't realize they are to go slow and carefully! Especially for the school children & they speed without thinking

Rosalee Danila
Name

Address

12519 SE Ramona
PTD

and are also, mostly a bunch of inconsiderate drivers.

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Sincerely,

Ray Pe Machi
Gilbert Park PTA Co-Chairman

Comments:

I feel that the safety of the children who walk back and forth to both Gilbert Park School and Alice Ott Middle schools is the most important factor in considering approval of construction of a mobile home park on ^{SE} Ramona at 133rd. I'm concerned that this would greatly aggravate the existing congestion and cause impatient drivers to act in ways that could result in tragedy - My understanding is that construction of mobile home parks and/or apartments is permissible only on major thoroughfares - Have we changed this?

Name *Donald Graf*

Address
*13318 SE Ramona
Portland, Or 97236*

RECEIVED

*Mailed to occupant
can't read name*

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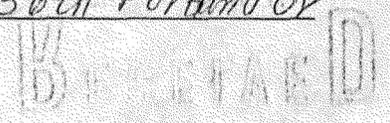
Sincerely,

Larry Lee Machi
Gilbert Park PTA Co-Chairman

Comments: Being a new resident in the neighborhood
it make's ^{me} recall what I was attracted to
in the Gilbert Park dist 1. Safety for my children
and it being a rural area without being in the
country I hate to see mobile home Park developed
we really have to consider the safety of our children
to and from school and more traffic means more risk

Kelly C. Newson
Name

5838 SE 136th Portland OR
Address



NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

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RECEIVED

NOV 1 1991

Multnomah County
Zoning Division

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Sincerely,

Layla Machi
Gilbert Park PTA Co-Chairman

Comments: Our school is already at 115% of capacity. Will the owner/operators of this proposed development provide the necessary money for additional classrooms and staff needed to handle the extra students? And what about street safety during school hours? The road cannot be widened - nor can sidewalks be

Julie Williams
Name
Brian Williams

11015 SE Havel
Address
Portland, OR 97206

constructed. Once again, our children, the future of our community, will be at risk for their personal safety as they attend one of the best schools in the state of Oregon.

Perhaps, if it is absolutely necessary that this mobile home park needs to be developed, a way can be worked out to make the entrance/exit on SE 136th Avenue.

Of course, this will still impact school traffic on that street - but at least there will be fewer kids to contend with.

But I really fail to see any benefit to adding at least another 100 vehicle trips daily when SE Ramona is already a well-traveled connector street between 136th and 122nd. Please take these concerns into account. Thank You

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Sincerely,

Kay Lee Machi
Gilbert Park PTA Co-Chairman

Comments: It is Beyond my Comprehension
how the Proposed access on Ramona is
even being Considered. The Above mentioned
Students are Not high school age, But,
Elementary Children. Age's ranging from
5 to 12. These "Babes in Arms" NOT ONLY
are NOT watching for Traffic, But → over

Name

Address

are very likely not even
of sufficient height to be
seen by motorists. These
children are already preyed
upon by the 'human animal',
now you want to have them
"play on the freeway".

I suggest you "ladies &
gentleman" reconsider &
change, and BAN said

access. Or you will have one
a hell of a fight on your hands!

Sincerely,

Mr & Mrs Eric Wolf*
13637 SE Foster
Portland, OR
97236.

761-4310

* Homeowners & VOTERS

RECEIVED
NOV 1 1991
Multnomah County
Zoning Division

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

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WE NEED YOUR HELP!

If you have concerns with these issues please take the time now to write down your comments and mail them to:

Department of Environmental Services
Division of Planning & Development/Attention: Mark Hess
2115 SE Morrison Street
Portland, Oregon 97214

or return it no later than Oct. 25, 1991 with your student and I will hand deliver it for you. I believe we have a serious issue here that needs to be considered before a development of this size be allowed at this location. With your help we may be able to stop it.

Sincerely,

Kay Lee Machi
Gilbert Park PIA Co-Chairman

Comments: In addition to the above objection to the proposed Mobile Home Park, we feel this would open the street to further multi-dwelling plots. The property next to us is now being considered for a nine unit Mobile Home park. This will have a great impact on the now very congested traffic on our street. We strongly urge your refusal of this zone change.

Richard & Bernice Cass
Name

12810 SE Ramona Street
Address

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Sincerely,

Laura Mack
Gilbert Park PTA Co-Chairman

Comments: *I don't have small children but I have noticed the heavy traffic on Ramona. I agree with all the comments. I am also owner of at least one other property within area is waiting for this to be approved so that can subdivide & do some thing similar*

Name *John Bottom* Address *13810 SE Ramona*

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Sincerely,

Kay Lee Machi
Gilbert Park PIA Co-Chairman

Comments: My concern is also the vehicular traffic
Ramona street is traveled quite a bit already
IF you are going to have a school in the path
of all this addition traffic your asking
for trouble, we need to look into other locations
for the mobile court or another street access
for the mobile court.

Nancy Marcus
Name

10515 S.E. Rex.
Address

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Sincerely,

Ray K. Machi
Gilbert Park PTA Co-Chairman

Comments: We believe at this time, due to not having sidewalks on Ramona and a very narrow roadway, it would be dangerous for any pedestrian to have additional traffic on S.E. Ramona Street. Please think about our children!!!! This mobile home park will threaten the livability of our community without roadway improvement.

Name

Address

7111 SE 116th

Portland, OR 97266

Mailed to Occupant

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Sincerely,

Laura Mack
Gilbert Park PTA Co-Chairman

Comments: I am a very concerned parent as a mobile Park development will increase the student enrollment & busy the streets creating danger to the children. We in our household are against this development

Laura Bunkley
Name

11209 SE Knapp
Address

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Sincerely,

Kayla Machi
Gilbert Park PTA Co-Chairman

Comments: This school is much too
overcrowded already. Mobile homes
are packed many more to the acre than home
which would allow more families + crowd
the school to bursting. The increased
the traffic not only endangers the
children, but pedestrians, vehicle drivers and
residents.

Name

Address

Jan Bossert 6810 SE 135

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Sincerely,

Louise Mack
Gilbert Park PIA Co-Chairman

Comments: We are very concerned over this issue. Especially the children that are walking to school. There is already enough traffic on all the above mentioned streets. Plus the access to the park is dangerously close to the entrance of our school.

Steve & Sue Christenson
Name

6152 S.E. 140th 97236
Address

Mailed to occupant

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Sincerely,

Kay Sue Machi
Gilbert Park PTA Co-Chairman

Comments: *(1) Do not like the depreciation that the mobile home park will cause to existing homes in the area nor the added traffic caused by 117 mobile homes. We didn't buy in this area to see lower priced homes come in, we always hoped the area would have nice homes as the base land was developed. This effect everyone in the area plus the overcrowding of our schools in DD area we want good education for our children and not overcrowded schools which this will cause.*

Name

Address

Mrs Jamie A. Treacy
Mrs Paul M. Tracy and Mrs. W. R. Farkinger
14040 SE Knight St
Portland Oregon 97236

Mailed to occupant

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Sincerely,

Jay Lee Mack
Gilbert Park PTA Co-Chairman

Comments: We here on Ramona St are very concerned about the safety of our children due to the extreme density allowed by mobile home parks. Our narrow street with the school across the street poses a real safety hazard. Mobile homes are actually single family dwellings, many of them being larger than conventional homes which are required to have a minimum of 5000 sq ft space. If mobile homes were under the same requirement, the density would be a lot less.

Paul Brook
Name

12918 SE Ramona St.
Address

on list

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Sincerely,

Ray K. Machi
Gilbert Park PIA Co-Chairman

Comments: TO WHOM IT MAY CONCERN:

I WONT WASTE YOUR TIME WITH MANY REASONS AGAINST THIS DEVELOPMENT. I CANT PUT INTO WORDS HOW STRONGLY I FEEL AGAINST THIS DEVELOPMENT, IT DOESNT TAKE A ROCKET SCIENTIST TO REALLIZE HOW WRONG THIS IS, IF THIS GOES THROUGH AND JUST ONE CHILD IS INJURED OR KILLED, EACH AND EVERY ONE OF YOU WILL DIE WITH THIS SCARE ON YOUR SOUL. ARE YOU WILLING TO RISK THIS

KENT W. TURLEY
Name

13333 S.E. RAMONA
Address

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Louise Machi
Gilbert Park PTA Co-Chairman

Comments: I live right on 128th. This year "they" started clearing the land right across the street from me to build a 600 member Church. The traffic increase is a concern, but, it will only happen 2 or 3 times per week (I hope) - At least it won't be daily 2+3 times. Please our children's safety is at risk enough!

Samantha Kott
Name

5545 SE 128th Ave. 97236
Address

mobile home parks are good ways to help with housing problems but can't we be a little more intelligent about their placement? We do need or want any more traffic on our streets, risking our children's lives.

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Ray Lee Machi
Gilbert Park PIA Co-Chairman

Comments: _____

Please be aware there are no
crosswalks at the school entrance.
Not only does the mobil home project
cause more hazards but we also
need to make it safer.

(Possibly a flashing yellow light as well as painted
sidewalks)

Samuel Carlson
Name

5665 S.E. 125th
Address

po. OR.
97236

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

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WE NEED YOUR HELP!

If you have concerns with these issues please take the time now to write down your comments and mail them to:

Department of Environmental Services
Division of Planning & Development/Attention: Mark Hess
2115 SE Morrison Street
Portland, Oregon 97214

or return it no later then Oct. 25, 1991 with your student and I will hand deliver it for you. I believe we have a serious issue here that needs to be considered before a development of this size be allowed at this location. With your help we may be able to stop it.

Sincerely,

Kay Lee Machi
Gilbert Park PTA Co-Chairman

~~Comments: It is my opinion that any increased traffic on Ramons St. would endanger children walking to and from school. Since the "stranger scare" concerning our school has been apparent, I have been driving my daughter to school. If there is a car or truck parked on the side of the street, there is absolutely no room for children to walk. This street is not even wide enough for two cars going in opposite directions to pass each other.~~

~~Do not allow developers to do anything that would increase traffic on this already to congested street. If you do it is my opinion that, 1. the street should be widened so cars can be parked safely on the street, 2. sidewalks should be installed for the safety of the children, and 3. this all must be done at the developer's expense since it is he who will profit. (The owners cannot afford this expense.)~~

Thankyou for your attention,

Mareen Traehbch
Name

12414 S.E. Knapp St. Portland, OR
Address 97236

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Sincerely,

Ray Lee Mack
Gilbert Park PTA Co-Chairman

Comments: I live 4 houses down Ramona Street from Gilbert Park School. I am concerned with the increase in vehicle traffic on Ramona St. that the mobile home park would create. Ramona St is very busy during certain times of the day with buses, day care vans and parents dropping off and picking up their children from both Gilbert Park and Alice Ott School which is a little further

Cindi-Jolaine Corbett
Name

13336 SE Ramona
Address

down Ramona. I feel additional vehicle traffic on this street would greatly increase the danger to walking traffic.

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Sincerely,

Gay Lee Macki

Gilbert Park PTA Co-Chairman

Comments: _____

I agree with the above and support the contents of this letter.

Cheryl Ann Archeta

Ray P. Archeta

11615 SE Brookside

Address

on list

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RECEIVED
NOV 1 1991

Sincerely,

Jay Le Marsh
Gilbert Park PIA Co-Chairman

Multnomah County
Zoning Division

Comments: I am very opposed to this proposal. I feel the additional traffic this would create is an unacceptable risk to the children of Gilbert Park elementary, which is only a few yards from the planned development. I have a 5-year-old going to Gilbert Park & this prospect concerns me greatly. Aren't our children & their safety more

CECILLE M. TURLEY
Name

13333 SE RAMONA, P41D 97236
Address

Cecille M. Turley

important than padding the pockets of greedy developers? I realize it's just a matter of time before the site gets developed, but putting 25 mobile homes on 2.3 acres of land in this neighborhood is totally unacceptable. Why couldn't a development of 10 homes be put there instead, for example? I guess abused zoning ordinances & the greed of developers is the explanation for this whole affair. I moved into this neighborhood last year because it was peaceful & quiet. This proposal is not in keeping with the atmosphere of this neighborhood. This type of development should be done on the outer parameters of neighborhoods, not smack dab in the middle of them. By this I mean along, say 152nd, where there are some lots available, or along other busier streets. It's not fair to rob us of our neighborhoods! Then there's the problem of school overcrowding. I believe Gilbert Park is already at capacity. Also, between 136th & 181st, along Powell, there has been built, or is being built presently, several major developments. Powell is only 2 lanes along that stretch; one lane in each direction. Now they're building a major development at 136th & Holgate. It seems totally illogical to allow all this development without considering how the streets and schools are going to be able to deal with it.

The aspect of this whole affair that frustrates me the most is that I feel the concern of those who oppose this (and other) developments, is that our concerns are falling on deaf ears! Correct me if I'm wrong!!! For what it's worth - Cecile Turley

eyes, I Cindy L. Mudder
at 13429 SE Ramona St. have
seen dumping on 12928
SE Ramona St.

PP 2-91
Written Comment
Fair Open Record

It was summer time, my
horses were out in the pasture.
I heard dogs barking, so I
went down into my pasture
and there I saw his German
shepherds with him and a man
with a small pick-up truck
dumping a big load of trash
from: food sacks to furniture.
A little bit of ~~of~~ everything.
I didn't know it was his land
so I watched them until they
left. They saw me so they
hurried.

Cindy L. Mudder

Thank-you
for listening.

RECEIVED
OCT 30 1991

Multnomah County
Zoning Division

PD 2-91

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

Open Record

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RECEIVED
OCT 29 1991

Sincerely,

Kay Lee Machi
Gilbert Park PTA Co-Chairman

Multnomah County
Zoning Division

Comments: *The trailer park is to close to our school; brings a flow of unstable homes into our AREA. The homes will also create more traffic and congestion. Trailer Courts also take down the prices of our homes, detracting from our neighborhood when they are "packed" into every vacant lot between our homes, I don't want this near my children's school.*

Name *John Martinson*

Address *13737 SE FLU'S Street*
Portland

(over)

I address the same concern as my father
has stated but I also feel some environmental
impact studies are on going now (development)
and why not this park's future? All concerned, and
certainly not in the interests of our children, nor
future health. Why would the neighbors want more
noise, congestion, and pollution? The Planning Commission
should make a study of noise (let us know) the
effects on - almost impossible now - in the morning
and during early afternoon - as common area says
and during early afternoon - as common area says

95
97

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

PD2-91 Written Comment on Open Record

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Sincerely,

Jay Lee Niemi
Gilbert Park PTA Co-Chairman

Comments: _____

I have lived on Ramona Street a little over a year. When I bought my home, I saw it was on what I thought was a quiet rural street. After I moved in, I saw the truth; that Ramona Street is really an alternative street to Foster which is already overloaded with traffic. Thus cars use Ramona Street daily to avoid Foster. At first I was amazed at the amount of traffic on Ramona Street on the weekend. Only when I was home from work for a week on two separate occasions did I realize that the weekend traffic was not the only problem. There is an overabundance of traffic daily (usually going higher than the designated speed). Considering that we already have a traffic problem on a very busy, very narrow street, and not even a sidewalk for children and others to walk safely, I understand the concerns of the parents of children who attend Gilbert Park School. The Commission must have felt the same way when they refused to let a mobile home park up the street have access to Ramona when it was built in 1987. It was built so that its only access was on Foster. As a further note about the heavy traffic on Foster, it is almost impossible at times to get out on Foster or in at either 128th or 136th because of the heavy flow of traffic.
THERE IS ALREADY A SEVERE TRAFFIC AND PEDESTRIAN PROBLEM IN THE AREA; IT WOULD BE UNCONSCIONABLE TO ADD TO THE PROBLEM ESPECIALLY WHEN THE LIVES OF CHILDREN AND OTHERS ARE AT STAKE ON A DAILY BASIS.

Name _____

Toni Marie Horenstein

Address: _____

12849 S.E. Ramona
Portland, Oregon 97236

NOTICE OF PLANNED DEVELOPMENT FOR MOBILE HOME PARK AT 13303 SE RAMONA

PD 2-91 *Open Record*

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RECEIVED
OCT 25 1991

Sincerely,

Kayla Machi
Gilbert Park PIA Co-Chairman

Multnomah County
Zoning Division

Comments:

Financing sidewalks should be an option - I'm for the mobil home court, people have a right to develop their properties - theres already a pedestrain concern as I have walk @ Ramona st.

Yadok Schnuske
Name

11405 SE Ramona Ct
Address

*1 child Gilbert Park
1 child Alice Ott*

6229 SE 120th Ave

Portland, Or 97266

Oct 21, 1991

Department of Environmental Services

Division of Planning & Development / Attention: Mark Hess

2115 SE Morrison Street

Portland, Or 97214

RECEIVED

OCT 23 1991

Multnomah County
Zoning Division

Dear Sir:

PD 2-91
Open Record

I would like to express concern about a proposed mobile home park on 133rd and Ramona. Traffic because of the school there is already congested.

When I have been on the child watch program for the school I sit in my van on 136 and Ramona and watch the traffic and children coming and going. If there is a car parked on Ramona the children have to walk into the street to go around it. There is no room on the other side.

A lot of cars when driving on Ramona will move over beyond the white line when passing pedestrians with or without parks cars in the area. School buses do the same thing and

that is a scary thing to see - the
bus driving down the middle of
the road.

Also buses headed south on 136th
can not make the turn on to Ramona
without going into the other lane.

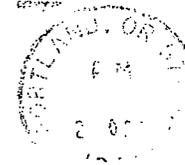
I have yet to see one do it.

Please do not approve this
mobile home park.

Sincerely

Gay La Macki

Minh Nguyen
12166 S.E. Knapp Lane
Portland, Oregon 97266



I would prefer that a mobile Home
park, due to the added traffic it will
bring. It is dangerous enough with
the usage it gets right now. We must
look out for our children

RECEIVED

OCT 22 1991

Multnomah County
Zoning Division

Henry Nguyen 12166 SE KNAPPⁱⁿ
Name Address

PD 2-91 *PORTLAND OR 97266*
Written Comment on Open Record