



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
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DECISION OF THE PLANNING DIRECTOR

DESIGN REVIEW

Case File Nos.: DR 0-4

December 15, 2000

Proposal: Application for a Design Review (DR). Related case: V 0-4, SEC 0-18, GEC 0-28 & FD 0-15.

Location: 5700 NE Sundial Rd
T1N, R3E, Section 14, Tax Lot 300 at 8.14 acres (R#94314-0010).
T1N, R3E, Section 14, Tax Lot 200 at 23.66 acres (R#94314-0020).
T1N, R3E, Section 23, Tax Lot 100 at 17.46 acres (R#94323-0320)

**Applicant/
Property
Owner:** Jeff Steyaert
Morse Bros, Inc.
32260 Hwy 34
Tangent, OR 97389

Zoning: Heavy Industrial (HM) / Significant Environmental Concern (SEC)

Planning Director's Decision:

Approved with Conditions, the request for Design Review approval for a asphalt batch plant to be located on the property at 5700 NE Sundial and as described herein.

APPROVAL CRITERIA: The applicable approval Criteria for this decision include the following Multnomah County Code (MCC) provisions: MCC 11.15.6100 - .6148, Off-Street Parking and Loading (OP); MCC 11.15.7805 - .7870, Design Review (DR)

The appeal period for this decision closes on **December 27, 2000.**

CONDITIONS OF APPROVAL:

1. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved.

The applicant shall comply with the conditions set forth in the prior related cases, V 0-4 & SEC 0-18 and in this case, DR 0-4, except as may be modified by this decision and related decisions, including GEC 0-28 and FD 0-15.

2. In accordance with MCC 11.15.7870, Design Review approval shall expire in 18 months from the date of final design review approval. Upon application, a six-month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Planning Director's decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.
3. The applicant shall make an appointment with the Staff Planner, Lisa Estrin, at Multnomah County, (503) 988-3043, for building permit sign-off. The applicant shall bring three (3) sets of site and building plans for County sign-off prior to submittal of the building permits to the Gresham Building Department.
4. All new outdoor lighting shall be directed downward and hooded. The applicant shall modify the existing outdoor lighting on the east side of the parcel to also be hooded and directed downwards.
5. Prior to building permit sign-off, the applicant shall submit in a landscape plan detail showing the number and placement of the proposed vegetation along the Columbia and Sundial Rd.
6. Prior to utilization of the asphalt plant, all required landscaping shall be installed. This includes the 25 ft wide by the length of the north property line (except the dock area) landscape buffer area adjacent to the Columbia River and the landscaping adjacent to Sundial Road. The landscape plan shall use native vegetation. All required vegetation shall be maintained in a healthy state and be replanted if it dies or is removed.
7. Prior to building permit sign-off, the applicant shall submit details for the restroom facilities and any required modifications to the septic system.
8. Prior to utilization of the asphalt batch plant, all physical improvements, including the paving and restroom facilities, shall be complete and inspected. Please contact Lisa Estrin at 503-988-3043 to set up an inspection appointment.
9. All required physical improvements (paving, restrooms, on-site parking, etc) and landscaping shall be maintained in good shape and living, if applicable. If vegetative materials die, they shall be replaced immediately.

Summary

1. Description of Proposal:

Morse Bros., a Tangent, Oregon Corporation engaged in aggregate recovery and processing throughout Oregon, proposes siting and operation of a portable paving mix plant on property recently purchased from Gresham Sand and Gravel in Troutdale at the north terminus of Sundial Road. The plant will provide asphalt paving to markets in the Portland area.

Gresham Sand and Gravel used the site for barge receipt and truck loadout of sand and gravel from outside sources and from sand dredged along the Columbia River from the property east to near the mouth of the Sandy River (See Recent Planning Actions for the Site, below). Those activities will be continued by Morse Bros.

The plant will utilize crushed rock from the barge offloading operation and asphalt delivered by truck and stored in portable day tanks. These materials are heated and mixed in a drum mixer fired by diesel and sent to holding silos which load directly into trucks. The diesel is delivered by truck and stored in tanker trucks. Although the main portions of the plant are portable, the silos require foundations. Approximately 100 yd. of material will be excavated for these foundations.

Staff: The proposed development site currently is occupied by an unverified aggregate and dredge operation that will be continued by the applicant.

2. Site and Vicinity Characteristics:

The project is located in Tax Lot 200 and 300 of Section 14, T1N R3E, at the north terminus of Sundial Road, see map in Figure 1 and aerial photo in Figure 2. Sundial Marine's barge building and ship repair operation is located west of the property and Reynolds Metals' aluminum reduction plant is southeast of the property. The lands east and south of the property are vacant. Over half of the overall site is under four trans-river power lines which have easements. In addition a buried telephone cable traverses the site east-west about two-thirds of the way from the south boundary to the river.

The project site is zoned HM, Urban Heavy Manufacturing, while the vacant land to the east is zoned UF-20, Urban Future. The site is also covered by an SEC overlay.

Staff: The development site includes three tax lots (2 legal parcels). They are:

- T1N, R3E, Section 14, Tax Lot 300 at 8.14 acres (R#94314-0010) and
- T1N, R3E, Section 14, Tax Lot 200 at 23.66 acres (R#94314-0020) and
- T1N, R3E, Section 23, Tax Lot 100 at 17.46 acres (R#94323-0320).

Multnomah County Code

Urban Heavy Manufacturing

11.15.5325 Uses Permitted Under Prescribed Conditions.

The following uses, subject to approval by the Planning Director when found to satisfy the required conditions and approval criteria:

(B) The following uses, located not less than 500 feet from a boundary line of the HM District:

(1) The manufacture, refining, reclaiming or storage of petroleum or coal products including asphalt, creosote, paving or roofing materials.

Staff: The applicant is proposing an asphalt manufacturing facility. This use is required to be 500 ft from the boundary line of the HM zoning district. The use as proposed is only 250 ft away from the east property line. The adjacent property to the east is zoned Urban Future 20 (UF-20). A major variance (V 0-04) has been granted approving the use 250 ft away from the east property line

11.15.5335 Dimensional Requirements

- A. The lot size for a use permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, setback, lot coverage, design review and other requirements of the district.**
- B. Maximum height of any structure shall be 60 feet.**

Staff: See MCC 11.15.5025 Exception to Dimensional Requirements. This criterion is met.

11.15.5340 Landscaped Buffer Area

A landscape buffer area shall be established and maintained as required by MCC .5140 of the Urban Light Manufacturing District.

11.15.5140 Landscaped Buffer Area

- A. A landscaped buffer area shall be established and maintained according to the applicable standards of MCC .7855. The buffer area shall have a minimum width:**
 - 1. Of 50 feet along any property line which is adjacent to or across any street, slough, drainageway, railroad or other right-of-way from any land designated as residential by the Comprehensive Plan;**
 - 2. Of 25 feet along the right-of-way or from the high water line of any lake, slough, stream, drainageway or other waterway; and**
 - 3. Of 20 feet along a lot line adjacent to a street;**
 - 4. Equal to the building height, between a building in this district and a residential district lot line;**
 - 5. Of 10 feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and**
 - 6. Of 25 feet between an outside storage or open display area and a residential district lot line.**

Staff: The applicant has modified their site plan to show the required landscape buffers. A condition of approval has been placed on this approval requiring the landscape plan detail be submitted for along the 25 ft wide landscape buffer area required along the Columbia River and for the 20 ft wide landscape buffer required adjacent to Sundial Rd.

Urban Manufacturing General Provisions

11.15.5025 Exceptions to Dimensional Requirements

Except as provided in the LF district, chimneys, antennae, mechanical equipment, storage towers or similar structures may exceed height maximums established by ordinance if located at least 20 feet from any property line.

Staff: The 3 silo are proposed to be 60 feet in height. They may exceed that limitation based upon the above criterion and their proposed location of over 200 ft from the property boundary. All other proposed structures will meet the 60 ft height requirement of the HM district.

11.15.5035 Off Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

Staff: Applicant has modified the project plans to comply with the off street parking requirements. See below.

11.15.6102 General Provisions

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

Staff: The applicant is proposing to add an asphalt batch plant to an existing non-verified industrial site. Parking for the new use will be provided in compliance with Multnomah County Code.

11.15.6108 Plan Required

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

Staff: The applicant has submitted detailed site plans showing the required items: location of the proposed improvements, parcel dimensions, access to the site, circulation layout for vehicles and pedestrians, space markings, setbacks, site elevations, abutting uses, and landscaping.

The application meets the criterion.

11.15.6110 Use of Space

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

Staff: The applicant's proposal shows required parking for employees. No customers will be coming to the site.

11.15.6116 Change of Use

- (A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.**
- (B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.**

Staff: The applicant is proposing to add an asphalt batch plant to an existing non-verified industrial site. Parking for the new use will be provided in compliance with Multnomah County Code.

11.15.6126 Design Standards: Scope

- (A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**
- (B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.**

Staff: The applicant is required to comply with the parking standards as described by the Multnomah County Code and included herein the decision for DR 0-4. This criterion is included for informational purposes.

- (D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.**

Staff: The site plan shows the maneuvering and parking area will be graded so that the drainage will flow from east to west to an existing storm water control facility.

This criterion has been met.

11.15.6134 Lighting

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

Staff: Pursuant to SEC 0-18, all existing and proposed outdoor lighting is required to be shielded.

11.15.6136 Signs

Signs, pursuant to the provisions of 11.15.7964.

Staff: No signage is proposed at this time.

The application meets the criterion.

11.15.6138 Design Standards: Setbacks

- (A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

Staff: The applicant does not propose to park within a required yard setback.

Staff finds the application meets the criterion.

11.15.6140 Landscape and Screening Requirements

- (A) The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).

Staff: See Section .7855 (C)(3) to (7) to demonstrate compliance with this criteria.

The application meets the criterion.

- (B) Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).

Staff: No parking or loading is within 50 ft of a property line.

The application meets the criterion.

11.15.6142 Minimum Required Off-Street Parking Spaces

(E) Manufacturing and Storage

- (1) Manufacturing - One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.
- (2) Storage - One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

Staff: The applicant has indicated that a maximum of 3 employees are needed to operate the asphalt batch plant and has provided 3 parking spaces on the site plan.

The application meets the criterion.

Design Review (DR)

11.15.7805 Purposes

MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

Staff: The applicant/ property owners are required to submit the Design Review application pursuant to MCC 11.15.5060.

11.15.7810 Elements of Design Review Plan

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

Staff: The required items have been illustrated on the applicant's submitted site plans.

The application meets the criterion.

11.15.7830 Design Review Plan Contents and Procedure

(F) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;**
- (2) Parking and circulation areas;**
- (3) Location and design of buildings and signs;**
- (4) Orientation of windows and doors;**
- (5) Entrances and exits;**
- (6) Private and shared outdoor recreation spaces;**
- (7) Pedestrian circulation;**
- (8) Outdoor play areas;**
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;**
- (10) Areas to be landscaped;**
- (11) Exterior lighting;**

(12) Special provisions for handicapped persons; and

(13) Other site elements and spaces which will assist in the evaluation of site development.

Staff: See Section .7840 (A) for Staff comments.

11.15.7840 Final Design Review Plan

Following receipt by the applicant of the summary findings and conclusions under MCC .7835, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC .7830(F) and (G), as appropriate;

Staff:. The applicant has submitted in a site plan showing required features, including areas to be planted. A condition of approval requires that before a building permit will be issued a detailed landscape plan for the two buffer area will be submitted.

The application meets this criterion with the addition of a condition of approval for a detailed landscape plan.

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

Staff: The applicant has submitted in photographs for the asphalt batch plant.

The criterion has been met.

11.15.7850 Design Review Criteria

(A) Approval of a final design review plan shall be based on the following criteria:

(I) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

Staff:. The placement of the batch plant is towards the center of the parcels involved. The available open space buffer from the Columbia River mitigates the project from the area of Significant Environmental Concern. Currently on site is a non-verified gravel facility. The addition of 2 silos and the asphalt batch plant equipment relate and utilize the gravel materials stored on site. The surrounding land uses in the area are industrial and this use fits in with the character of the area.

The application meets the criterion.

- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

Staff: The proposed location of the asphalt batch plant facility is outside of the wetlands and flood plain located on the site. Its location 860 ft away from Sundial Rd and 480 ft away from the Columbia River allow the use to occur without creating noise and air pollution immediately off-site. The location of the batch plant at this location will allow asphalt to be manufactured to serve the Metro region with less trip miles for areas on the east side of Multnomah.

The application meets the criterion.

- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Staff: The project is an asphalt batch plant. It is as attractive as it is going to get. It is located adjacent to large areas of open space. The design is the most effective in utilizing the site will protecting sensitive wetlands on the parcel.

The application meets the criterion.

- (2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

Staff: The project is an industrial use. A watchman will be maintained on site in the existing single family dwelling. A large area of open space and gravel storage is between the plant and Sundial Rd. Landscape buffers will be provided along Sundial Rd and the Columbia River as required by code.

The application meets the criterion.

- (3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.**

Staff: As required by any building code regulations, the site will meet this criterion.

The application meets the criterion.

- (4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

Staff: The site is relatively flat. Minimal grading is necessary to construct the footing for the silos. All cut materials will be utilized outside of the floodplain and wetlands to fill in low spots in the gravel use area.

The application meets the criterion.

- (5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

Staff: The number of access points to Sundial Rd has been limited to 1 entrance/exit. A circular haul road has been proposed for an interior circulation pattern. This pattern allows the large trucks entering and leaving the site to not have to back up or have conflicts while trying to pass each other. No customers will come to the site. The parking spaces are located in adjacent to the work area for the employees convenience.

The application meets the criterion.

- (6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Staff: . The drainage from the asphalt batch plant will be directed from east to west and will enter into an existing stormwater control facility designed for this industrial site.

The application meets the criterion.

- (7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Staff: The location of the asphalt batch plant is in an area well buffered from adjacent uses and sensitive environmental resources. The project is designed to be compact and utilize as little area as necessary for the proposed use. Landscaping will buffer the use from the Columbia River and Sundial Rd.

This criterion has been met.

- (8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Staff: All utilities are already existing on site.

This criterion has been met.

- (9) **Signs and Graphics** – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

Staff: No signage has been proposed with this application.

The application meets the criterion.

11.15.7855 Required Minimum Standards

A. Private and Shared Outdoor Recreation Areas in Residential Developments:

1. **Private Areas** - Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
2. **Shared Areas** - Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
 - a. **One or two-bedroom units:** 200 square feet per unit.
 - b. **Three or more bed-room units:** 300 square feet per unit.

Applicant: The proposed Portable Asphalt plant is located on land zoned as Heavy Industrial therefore this standard does not apply.

Staff: The proposed use is industrial.

This criterion does not apply.

B. Storage

Residential Developments - Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

Applicant: The proposed Portable Asphalt plant is located on land zoned as Heavy Industrial therefore this standard does not apply.

Staff: The proposed use is industrial.

This criterion is not applicable.

C. Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

4. **A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

Applicant: This standard is achieved because there is currently 65% or 32 acres vegetated.

5. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

Applicant: The area disturbed around the Portable Asphalt plant will all be improved with base rock.

Staff: The only areas to be disturbed will be for the plant operation and the haul road. Those areas will have asphalt installed over them. The remainder of the area to the west in the floodplain and wetland areas will remain in native vegetation. A 25 ft area along the Columbia River and 20 ft wide adjacent to Sundial Road will be improved and supplemented by landscaping with native vegetation. The remainder of the area will remain in its natural wetland state.

6. The following landscape requirements shall apply to parking and loading areas:

- a. A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

Applicant: The Portable Asphalt plant will only require three employee parking spaces and one unloading space for semi trucks to deliver the liquid asphalt emulsion. See attached Asphalt plant insert.

Staff: No landscaping is required in the parking area at this time.

This criterion has been met.

- b. A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.**

Applicant: This standard is not applicable because the parking and unloading would not be located adjacent to a lot line or street.

Staff: The parking is located approximately 850 ft from the front property line, 250 ft from the east property line, 960 ft from the west property line and 420 ft from the north property line.

This criterion has been met.

- c. A landscaped strip separating a parking or loading area from a street shall contain:**
- i. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
 - ii. low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
 - iii. vegetative ground cover.**

Applicant: This standard is not applicable because the parking and unloading would not be located adjacent to a lot line or street.

d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

Applicant: The site currently meets the minimum requirement of 15% so no additional landscaping is required.

Staff: Due to the minimum number of spaces required for this use (3) and the parking spaces location, no landscaping is required pursuant to MCC 11.15.7855(C)(3).

This criterion has been met.

e. A parking landscape area shall have a width of not less than 5 feet.

Applicant: This standard is not applicable.

- 4. Provision shall be made for watering planting areas where such care is required.**
- 5. Required landscaping shall be continuously maintained.**
- 6. Maximum height of tree species shall be considered when planting under overhead utility lines.**

Applicant: This standard is not applicable. (Answer for 4-6.)

Staff: Landscaping is required along Sundial Rd (20 ft wide planter) and the Columbia River (25 ft wide buffer adjacent to the river. These 3 criteria are relevant to these 2 areas. A condition of approval has been included requiring that the landscaping be continuously maintained.

- 7. Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

Compliance With Applicable Comprehensive Plan Policies:

Policy 13: Air, Noise, Water Quality

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise sensitive use and is located in a noise impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:

- 1. Building placement on the site in an area having minimal noise level disruptions.**
- 2. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.**

Applicant: The existing DEQ ACDP for the plant, currently located in Stayton, contains limits on hourly and annual paving mix production, stack gas opacity, stack gas particulate concentration, and annual emissions of particulate, carbon monoxide, nitrogen oxides, sulfur oxides, and volatile organic

compounds. The permit also requires active measures such as roadway and active area watering to minimize fugitive dust. The plant is subject to Federal/State New Source Performance Standards, the requirements of which are reflected in some of the permit conditions and limits. These various limits and conditions assure the air quality goals of Policy 13 are met.

The plant must also comply with DEQ's noise rules, which limit ambient noise level increases from new sources in industrial areas. The site is adjacent to the Sundial Marine facility, which constructs barges and conducts ship repair operations. Also close to the site are Reynolds Metals' aluminum reduction plant and the Troutdale airport. All these operations contribute to a relatively high background noise levels at the site, which is also impacted by noise from shipping operations on the Columbia. Since the facility has been able to operate in Stayton without noise-related problems, it is highly unlikely to either result in complaints or to exceed DEQ noise limitations at its new location.

As noted earlier, the plant has no process wastewater discharges.

Policy 14: Developmental Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- **Slopes exceeding 20%;**
- **Severe soil erosion potential;**
- **Land within the 100 year flood plain;**
- **A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- **A fragipan less than 30 inches from the surface;**
- **Land subject to slumping, earth slides or movement.**

Applicant: The plant site is adjacent to the 100 year floodplain. Since it is portable with the exception of the silos, it can be removed if necessary to prevent flood impacts.

Staff: The applicant has filed for a Flood Development Permit as required by County regulations.

Policy 30 Industrial Location

Applicant: The plant is considered heavy industrial and will be located on land zoned appropriately and occupied by a supporting use (existing rock/sand operations). The site has the necessary access to the Interstate Highway system and to major arterial and feeder streets.

Policy 37: Utilities

Water and Disposal System

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**

- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. Shall have an adequate private water system and a public sewer with adequate capacity.**

Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- G. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

Energy and Communications

- H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.

Applicant: There is adequate electrical and telephone service already in place at the site. The portable paving mix plant has no water needs. Haul road and site dust control water needs are met by the existing on-site water system. Sanitary sewers are not present on the site. Current operations at the site are served by portable toilet units supplied and serviced by a licensed provider. No change from current practice is anticipated.

Staff: The use of portable toilet units does not comply with the above Comprehensive Plan policy. Applicant has modified the proposal and will construct/modify the restrooms in the existing watchman house. A condition of approval has been included with this decision requiring the construction of permanent restroom facilities with an approved subsurface disposal system.

Policy 38 - Facilities

It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

Police Protection

- D. The proposal can receive adequate local policy protection in accordance with the standards of the jurisdiction providing police protection.**

Applicant: The plant and its operation place no special requirements on law enforcement or fire/emergency agencies. The plant will comply with local fire codes.

Staff: The applicant has contacted the Gresham Fire Department and has received initial approval for their proposed project.

CONCLUSIONS:

- A. The applicant has carried the burden necessary for granting approval for the Design Review application, **DR 0-4** for the proposed project as described herein.
- B. Conditions of Approval are necessary to insure compliance with applicable Code provisions and Comprehensive Plan Policies and are enclosed within this document.
- C. The proposal as conditioned, satisfies Design Review approval criteria as detailed in the findings section above.

NOTICE: This decision was mailed December 15, 2000 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on December 27, 2000.

IN THE MATTER OF DR 0-4:

Signed: Lisa Estrin, *Land Use Planner*
For: Kathy Busse, *Planning Director*

NOTICE:

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association, of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development applications. The notice must describe the method to appeal the decision and, if appealed, the County must hold a public hearing to consider the merits of the application. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830 [ORS 197.763, ORS 215.416(11)].

The Decision of the Planning Director detailed above will not become final until the 12-day appeal period for filing an appeal has expired. The 12-day appeal period that starts the day after the notice is mailed. If the 12th day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business day. Any person who is adversely affected or aggrieved by the decision, or who is entitled to written notice as described above, may appeal this decision. To file an appeal, complete an Appeal of Administrative Decision form and submit it to the Multnomah County Land Use Planning office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with

ORS 197.763. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning office at (503) 988-3043, or visit our offices at 1600 SE 190th Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m.-4:30 p.m.; M-F].

Notice to Mortgagee, Lien Holder, Vendor or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.