

**MULTNOMAH COUNTY, OREGON  
HEARINGS OFFICER DECISION**

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

**November 2, 1999**

Regarding a request for a	)	FINAL ORDER
Conditional Use Permit by	)	FINAL ORDER
for a Type B Home	)	CU 6-99
Occupation	)	(Oskay)
	)	

Location: 34805 SE Hurlburt Rd  
Corbett, OR 97019  
R#99403-0550

Proposal: Applicant requests approval for a Type B Home Occupation which requires a conditional use permit. The applicant wishes to use an existing accessory structure for a recording studio and to give music lessons.

Applicant/  
Property Owner: William Oskay/Jacqueline Magerl  
34805 SE Hurlburt Rd  
Corbett, OR 97019

Zoning: CFU-4

Size: 25.76 acres

**I. DECISION**

Approve the proposed Conditional Use Permit for a Type B Home Occupation, subject to the conditions stated herein.

Hearings Officer Decision  
November 2, 1999

CU 6-99 (Oskay)  
Page 1 of 15

## **II. CONDITIONS OF APPROVAL**

1. A Grading and Erosion Control (GEC) permit may be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards.
2. Approval of this Conditional Use shall expire two years from the date of issuance of the Board Order on the matter unless: "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3); the subject proposal is completed as approved; or the Approval Authority establishes a specific expiration date.
3. The applicant shall reduce possible fire hazards by creating a primary fire safety zone around the barn. Trees shall be pruned to remove branches up to 8 feet from the ground and the ends of the branches at least 5 feet from the barn. All other vegetation shall be kept less than 2 feet in height within 30 feet of the barn.
4. Before final occupancy, the applicant shall comply with Building Permit No. 015908, which requires an additional 100 feet of drain field be installed.
5. Before final occupancy, the applicant shall comply with the Fire District recommendations as outlined in the District's letter dated 9/5/99, or obtain District approval for an alternative design.
6. The approved home occupation shall have not more than two (2) full time and two (2) part time employees.
7. There shall be no deliveries other than those normally associated with a single family dwelling.
8. There shall be no outdoor storage, signage or display related to the business.
9. There shall be no noise above 50 dba at the property lines.
10. There shall be no more than three (3) customers a day on average, with a maximum of 12 people at a time allowed on the business premises.
11. The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m., which can be exceeded up to five (5) times per month.
12. The applicant shall maintain at least five parking spaces for the conditional use.
13. This approval is based on the representations made by the applicant in the application and public hearing. The applicant and his successors are bound by those representations unless this Decision specifically provides otherwise.

## **III. SUMMARY OF THE REQUEST**

Hearings Officer Decision  
November 2, 1999

CU 6-99 (Oskay)  
Page 2 of 15

The Applicant wishes to operate a low impact non polluting home occupation business in an existing 1500 sq. ft. accessory structure (barn) located on a 25.76 acre parcel zoned CFU. The business could involve the following activities: private recording of the applicant's own compositions; recording (for a fee) individuals and groups; providing (for a fee) individual and/or group lessons in violin or recording techniques. There is no walk-in business and the applicant does not publish the street address of the business in any advertising/publicity. The applicant will renovate the barn to include a studio, recording booth, control room, bathroom, and coffee bar. See floor plan (Exhibit 2).

#### **IV. SITE AND VICINITY CHARACTERISTICS**

The site is on Hurlburt Road between the Columbia River Highway and Gordon Creek Road. The site contains 25.76 acres, a single family dwelling and two barns with the remainder of the parcel in forest or hay. A stream runs through the property to the west of the structures. (See site plan, Exhibit 1.) To the west of the site is land zoned Rural Residential (RR) with lots of 1 to 10 acres. To the north and south are lots zoned CFU. To the east is land zoned EFU and RR. The barn nearest the road is the proposed site for the recording studio. They are currently renovating the interior to accommodate the studio.

#### **V. HEARING AND TESTIMONY**

Hearings Officer Deniece Won received testimony at the public hearing about this application on October 20, 1999.

- A. Virginia Dodson, County Planner, summarized the staff report. She entered Exhibits H1 - H3 into the record.**
- B. William Oskay, the applicant, said he has already met most of the conditions. He has put in 100 feet of extra drain field. He is working with Tom Layton on new fire access. He said he has concern with the proposed condition of approval to limit the hours of operation to 11:00 p.m. He doesn't want any hours of operation. He argued that because Hurlburt Road is a busy road the traffic impacts of later hours of operation would not be significant. The traffic impacts would be the only impact on surrounding properties because there is no noise impact from the operation of the proposed business due to soundproofing of the structure. He testified that he most often works with individual artists. If a client is a group, they usually come in one or two cars. Frequency of recording events in the evening is sporadic. A couple months can go by without any. Then it can be every day for a while.**
- C. Sally Harmon, a client of Mr. Oskay's current operation in the West Hills, testified that Mr. Oskay is a renowned acoustic producer. She has worked with him at his West Hills facility. No one in that neighborhood was aware of the business. They create no noise or traffic impacts.**
- D. Bryan Darby, a client, testified that he has known Mr. Oskay for 20 years. He is professional, polite and respectful.**

Hearings Officer Decision  
November 2, 1999

- E. **Albert Kimbley, a neighbor, testified that the concern is noise. The operation of this facility as proposed will not create noise worse than coyotes that howl in the area in the night. Hurlbert Road is busy. The use will not affect traffic or noise.**
- F. **The Hearings Officer discussed the matter of operating hours with Mr. Oskay. She stated that the Code requires the decision to state the hours of operation and that some limits should be clear to protect the neighbors and to provide guidance to County enforcement staff. Mr. Oskay agreed to a 1:00 a.m. limit, not to be exceeded more than five times per month.**

## **VI. APPROVAL CRITERIA, FINDINGS AND CONCLUSIONS**

### **A. Multnomah County Code**

#### **11.15.0010 Home Occupation**

- A. **A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 - .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.**
- B. **Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.**

Findings and Conclusions. The use is not a Type A home occupation because 1) the applicant modified the accessory structure after March 14, 1998, and 2) eventually the applicant may have more than one employee at a time on the premises. Therefore, the use is a Type B home occupation and must comply with the criteria listed below.

#### **11.ES.2050 Conditional Uses (CFU-4)**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:**

Hearings Officer Decision  
November 2, 1999

**(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:**

- (1) That no sale of merchandise is made from the premise; and**
- (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.**

Findings and Conclusions. The applicant does not propose to sale merchandise. According to the applicant, the use proposed does not emit noise, odor, smoke, gases, fallout, vibration, heat or glare. The studio is soundproofed to prevent outside noise from being heard in the studio and to prevent studio noise from being heard outside the building walls.

#### **11.ES.2053 Use Compatibility Standards**

**(A) Specified uses of MCC.2050(D), (E), and (F), .2054(C), and.2056 may be allowed upon a finding that the use will:**

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;**

Findings and Conclusions. Because the use will occur entirely within an existing structure and traffic generated will be minimal, no impacts are expected to the surrounding properties, whether they are used as farm or forest lands.

- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and**

Findings and Conclusions. The proposed use will be in an existing building near Hurlburt Road. A new driveway will provide access for fire vehicles. The building will not have a fireplace and will not be using hazardous or flammable materials in the operation of the home occupation. The applicant has attempted to exceed fire safety standards in the conversion of the accessory structure for the proposed use. There are some trees near the rear of the building. Condition of approval number three requires the applicant to reduce possible fire hazards by creating a primary fire safety zone around the barn. It requires trees to be pruned to remove branches up to 8 feet from the ground and the ends of the branches kept at least 5 feet from the barn. All other vegetation is required to be kept less than 2 feet in height within 30 feet of the barn. This use will not significantly increase fire hazards or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel when the condition is satisfied.

- (3) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.**

Findings and Conclusions. The applicant has recorded a statement with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of

Hearings Officer Decision  
November 2, 1999

nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices. Exhibit H2.

#### **11.15.7465 Criteria for Approval**

**The approval authority shall find that the following standards are met:**

**A. The standards found in MCC 11.15.7120.**

Findings and Conclusions. These standards are met. See discussion under MCC .7120 below.

**B. The home occupation does not employ more than 5 employees.**

Findings and Conclusions. The applicant stated that he will initially operate the studio with no employees. Eventually, he may employ a maximum of two full-time and two part-time employees. Condition of approval number six limits the number of employees to two full time and two part time employees. This criterion is satisfied.

**C. The site has on-site parking as per MCC 11.15.6100 to accommodate the total number of employees and customers.**

Findings and Conclusions. The site has on-site parking to accommodate the total number of employees and customers. See discussion under MCC .6108 below.

**D. No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m.**

Findings and Conclusions. According to the applicant, the facility will require few, if any deliveries. The studio requires minimum supplies (recording tape, office supplies, etc) which the owner will deliver to the premises. Condition of approval number seven requires that there may be no deliveries other than those associated with a single family dwelling between the hours of 7:00 a.m. and 6:00 p.m. This criterion is satisfied.

**E. No outdoor storage or display.**

**F. No signage (including temporary signage and those exempted under MCC 11.15.7912) with the exception of those required under MCC 11.05.500 - .575.**

Findings and Conclusions. Condition of approval number eight requires that there be no outdoor storage, signage or display related to the business. These criteria are satisfied.

**G. No noise above 50 dba at the property lines.**

Findings and Conclusions. According to the applicant, there will be no increase in noise level beyond the property, due to extensive soundproofing of the studio (to keep out aircraft and road noise). Condition of approval number nine limits the noise at the property lines to 50 dba. This criterion can be satisfied.

**H. No repair or assembly of any vehicles or motors.**

Hearings Officer Decision  
November 2, 1999

Findings and Conclusions. The proposed home occupation is not related to motor vehicles. This criterion is satisfied.

**I. The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.**

Findings and Conclusions. This requirement is for businesses using chemicals. No chemicals will be used on the site. This criterion does not apply.

**J. Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.**

Findings and Conclusions. The applicant states that there will ultimately be two full time and two part time employees, that there will be no deliveries, the business is a recording studio with space for music lessons, and that on average there will be three customers a day with a maximum of 12 people at a time allowed on the premises. The applicant also states that the hours of operation will usually be from 10:00 a.m. to 11:00 p.m. The applicant testified that occasionally a recording session may extend past 11:00 p.m. Condition of approval number eleven limits the hours of operation to 1:00 a.m., which the applicant may not exceed more than five times per month.

**11.15.7120 Conditional Use Approval Criteria**

**A. A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:**

**1. Is consistent with the character of the area;**

Findings and Conclusions. The proposed use will have no visual impact. The use will occur wholly within an existing barn. The existing structure, except for new paint, will not change in appearance and passers by and neighbors can only partially see it. Thus, the exterior of the structure will have a farm appearance. Due to extensive soundproofing of the studio (to keep out aircraft and road noise), there will be no increase in noise level beyond the property. The studio will use electricity and propane for all operations and will not affect air quality. Due to the small number of customers and the fact that the applicant/owner will no longer be commuting to Portland, the impact on traffic patterns will be insignificant. The parking area will be gravel. A line of existing trees and shrubs provides adequate visual screening of the barn and parking area from the road and the houses to the south.

**2. Will not adversely affect natural resources;**

Findings and Conclusions. The proposed use is approximately .3 miles from the Sandy River and is separated by a driveway from managed forest on the property. The applicant will connect the half bath and utility sink for the studio to the residential water line. The sewage

Hearings Officer Decision  
November 2, 1999

disposal will be an on-site septic tank tied into the residential drain field. The stream is more than 400 feet from the barn, parking area, and future driveway and thus, should not be affected by the use. The use will have no negative impacts on forest management. This criterion is satisfied.

3. **Will not conflict with farm or forest uses in the area;**
  - a. **Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
  - b. **Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

Findings and Conclusions. According to the applicant, forest management on the property employs only mechanical vegetation control and gardens are tended using organic methods without the use of chemical sprays. Forest management equipment is kept in a 2400 square foot barn on the property. The adjacent neighbors are zoned CFU, EFU or RR. Pre-commercial thinning or logging on those properties will not be affected by the proposed use. The proposed use will not affect the nearest farm to the proposed use, about .3 miles from the site. The proposed use will not affect any road access to forests in the area for fire protection and is adequately separated from any wooded area on the property. The proposed use will not use farm roads and will not change or affect annual production of hay on the property. These criteria are satisfied.

4. **Will not require public services other than those existing or programmed for the area;**

Findings and Conclusions. The site has an existing septic system which will be upgraded to accommodate the new use. Water is available already through the Corbett Water District. Police and Fire protection already exists. No new public services will be required. This criterion is satisfied.

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

Findings and Conclusions. The use is not located within a big game winter habitat area. This criterion is satisfied.

6. **Will not create hazardous conditions; and**

Findings and Conclusions. The proposed use is a sound recording and music studio, a non polluting, low impact home occupation within an existing accessory structure on the property. The proposed use will not involve new development. The activities of the business are not (by the nature of the business) hazardous and will not, in the future, create hazardous conditions. This criterion is satisfied.

7. **Will satisfy the applicable policies of the Comprehensive Plan.**



Findings and Conclusions. This criterion is satisfied. See the discussion of Comprehensive Plan policies below.

#### **11.15.7127 Design Review Exemption**

**Exempted from the Design Review criteria of MCC .7805 through .7870(A), include:**

- A. Single family residences.**
- B. Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.**

Findings and Conclusions. This application is exempt from Design Review requirements.

#### **OFF-STREET PARKING AND LOADING**

##### **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.**

Findings and Conclusions. The applicant has submitted a site plan (Exhibit 2) which shows an approximately 55x35 foot parking lot plan. The applicant is required to provide five spaces. A car needs a 9x18 foot area to park. Multiplying this by 5, an area 45 x 18 should be adequate for parking five cars in a row. There seems adequate space for parking at the site. The parking lot will be graveled, in keeping with rural character of the area. A driveway provides regular vehicle access found to the west of the structure. They will provide fire access via another access to the east of the structure as required by the Fire District. Drainage should not significantly increase as the parking area will be gravel.

##### **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.**
- B. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

##### **11.15.6122 Interpretation**

**Off-street parking or loading requirements for structures or uses not specifically listed in MCC .6142 and .6144 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.**

Hearings Officer Decision  
November 2, 1999

Findings and Conclusions. The Planning Director has determined that the use will require five parking spaces. This number was calculated based on two spaces for the two full time employees, two for the two part-time employees and one for clients. According to the applicant, they usually schedule clients one at a time. If the client is a band or includes multiple people, they usually come in a van or car pool. Condition of approval number twelve requires the applicant to maintain at least five parking spaces for the conditional use.

#### **11.15.6126 Design Standards: Scope**

**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.**

Findings and Conclusions. County staff determined that Type B Home Occupations only need to comply with the numbers of parking spaces according to .7465(C). This is because the primary use on the site is a single family dwelling and single family dwellings are exempt from the design standards of the parking requirements according to .6126(A). The applicant is required to provide a parking plan to show the location of the required spaces and any improvements associated with that parking. The applicant has provided a parking plan which provides the number of spaces (five) that the Planning Director has determined are required.

#### **11.15.6130 Dimensional Standards**

##### **A. Parking spaces shall meet the following requirements:**

1. **At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**

#### **11.15.6142 Minimum Required Off-Street Parking Spaces**

##### **A. Residential Uses**

1. **Single Family Dwelling - Two spaces for each dwelling unit.**

\* \* \*

##### **F. Unspecified Uses**

**Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.**

Findings and Conclusions. Based on the future usage, five parking spaces will be required. Parking spaces shall be sized based on the above standard MCC .6130(A).

#### **B. COMPREHENSIVE PLAN POLICIES**

##### **Plan Policy 37: Utilities**

Hearings Officer Decision  
November 2, 1999

Utilities include sewer, water, storm water drainage, energy, and communications systems. The need for public water, sewer and drainage systems varies according to the density of development and the ability of the soil to absorb excess water. Therefore, there are different standards.

\* \* \*

The purpose of this policy is to ensure that no long-range health hazard areas are created, and that excess water “run-off” will not damage property or adversely affect water quality. A second purpose of the policy is to ensure that a particular development proposal, because of its size and use, does not reduce the energy supply to a level which precludes the development of other properties in the area as proposed by the Comprehensive Plan.

#### **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.**

Findings and Conclusions. Policy 37 was amended in August 1999 by Ordinance 933 § III. The staff report applied the provisions of the former Policy 37. The Hearings Officer concludes that the amended Policy 37 was applicable in August, 1999, before the subject development application was deemed complete on October 5, 1999. Consequently the amended policy is applicable to this application. Former Policy 37 clearly provided that the policy’s standards applied to all quasi-judicial actions. The amended policy is not clear that it applies to quasi-judicial development actions. The amended policy lacks both a statement that it applies to quasi-judicial development applications and an object that the “shall” provisions in subsections A through D apply to. The Hearings Officer believes that the object of the “shall” provisions must be the proposed development that is the subject of a development application because the Introduction section of Policy 37 addresses the effects of proposed development and because the connection to facilities requirements only make sense if they relate to the development proposed in an application for development. This decision will be decided according to that interpretation. However, the Hearings Officer notes that she is troubled by that interpretation because it interprets the amended Policy 37 to have the same effect as former Policy 37 and does not provide any explanation for why the Policy was amended.

Hearings Officer Decision  
November 2, 1999

The Corbett Water District stated in the Service Provider form that there is a water line on Hurlburt Road which is available for this use. The applicant has received a permit (Exhibit 4) from the City of Portland for an additional septic tank to be connected to the accessory structure (Permit No. 015908). The permit requires an additional 100 feet of drain field be installed. The applicant testified that he had installed the additional 100 feet of drain field. Condition of Approval number four requires that this be done. This criterion is satisfied.

#### **Drainage**

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

Findings and Conclusions. See the Hearing Officer comments above concerning amended Policy 37. The use will occur within an existing structure. The parking for use will be gravel. No additional impervious surface is being added to accommodate the home occupation. Consequently, there will be no additional runoff caused by the home occupation.

#### **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.**

Findings and Conclusions. An existing 200 Amp electrical service and a leased propane tank will provide adequate energy supply to handle the needs of the proposed use. An existing underground telephone line will provide communication facilities for the proposed use.

#### **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**

Hearings Officer Decision  
November 2, 1999

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

**Police Protection**

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

Findings and Conclusions. There is a hydrant with adequate water pressure for fire fighting purposes at 32820 SE Hurlburt Road. However, the driveway does not meet fire district standards. A letter dated September 6, 1999, from Tom Layton, Fire Chief for Rural Fire Protection District #14, states that the existing driveway can be used for temporary access while the work is being completed (Exhibit 5). However, some improvements to the existing driveway must be made before final approval. The alternative is to build another driveway further to the east and connect it to the proposed parking area, thus creating a horseshoe-shaped driveway. The applicant submitted a revised site plan. Exhibit H1. Condition of Approval number 5 requires that the applicant comply with the Fire District recommendations as outlined in the letter or obtain the District's approval for the alternative design.

The County Sheriff's office states that there is service available. The School District would not be affected by the proposed use and therefore not an applicable agency.

This policy can be satisfied.

**Vii. CONCLUSION**

Considering the findings and other information provided herein, this application for a Condition Use approval to allow a Type B home occupation in a Commercial Forest Use zone, satisfies the applicable approval criteria and Comprehensive Plan policies. Accordingly, the Hearings Officer concludes that the Conditional Use permit should be approved, subject to all of the conditions.

**Viii. APPLICATION TIME LINE**

The application was received with full fees on September 30, 1999. The application was deemed to be complete on October 4, 1999. A public hearing before Hearings Officer was held on October 20, 1999.

## **IX. LIST OF EXHIBITS**

### List A: Staff/ Applicant Exhibits:

1. Applicant site plan
2. Applicant parking plan
3. Applicant 1st level floor plan.
4. Permit from City of Portland Septic and Sanitation Dept. (dated 1/28/99 and amended 9/29/99).
5. Letter from Tom Layton, Fire District #14 (dated 9/6/99)

### List H: Documents Submitted at October 20, 1999 Public Hearing

1. Revised Site Plan, showing fire access
2. Recorded Forest Practices Act Conditions and Restrictions
3. Rebecca Newall Fax supporting the application

**IT IS SO ORDERED**, this 2<sup>nd</sup> day of November, 1999.

---

Deniece B. Won, Hearings Officer