

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97235

PH: 503-988-3043 FAX: 503-988-3589

http://www.co.multnomah.or.us/dbcs/LUT/land_use

BEFORE THE HEARINGS OFFICER FOR MULTNOMAH COUNTY, OREGON FINAL ORDER

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

October 1, 2007

Case File: T3-07-002 Community Service Conditional Use, Significant Environmental Concern, Design Review and Sign Permit.

Location: Government Island, Government Lot 5
TL 100, Sec 12, Township 1 North, Range 2 East, W.M.
Tax Account #R942120040

Map Description: TL 100, Sec 12, Township 1 North, Range 2 East, W.M.

Zoning Designation: Commercial Forest Use District and Significant Environmental Concern (SEC), Flood Hazard and Noise Impact Overlay Districts

Site Size: 54.79 acres

Applicant: Curt Vanderzanden
KPFF Consulting Engineers
111 SW Fifth Ave., Suite 2500
Portland, OR 97204

Property Owner: Port of Portland
Attn. Bill Bach
121 NW Everett St.
Portland, OR 97209

Hearings Officer Decision:

Approval of the application for community service conditional use, significant environmental concern, and design review and sign permit.

PROCEDURAL ISSUES

1. Impartiality of the Hearings Officer

- A. Ex parte contacts. I did not have any ex parte contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the Applicant.

FACTS

1. Applicant's Proposal

Applicant requests approval of a Community Service Conditional Use, Significant Environmental Concern, Design Review and Sign Permit to construct a two-stall ADA compliant composting restroom, ADA-compliant walkway and a recreation boat tie-up facility including a dock, a walkway, debris boom and signage.

2. Property Description and Vicinity Information

The Staff Report states the following:

"The proposed project is located on Government Island an island in the Columbia River mostly owned by the Port of Portland. Public access is allowed to this portion of the island, called Sandy Beach, which has boat only access to a primitive park area. Government Island has been historically used as a primitive public park by boaters. Oregon Department of Parks and Recreation leases the subject area of the island from the Port for recreational uses. There have been three previous Community Service Conditional Use approvals issued by Multnomah County for park accessory structures such as docks, picnic structures and restrooms (CS 4-80, CS 4-82 and T3-03-005) located in other areas of the island. Currently users anchor offshore or run their boats up on the beach. Recreational users use the area for fishing and primitive camping. The project area is a sandy beach with a shallow sloped sandy dune rising up from the beach (Exhibit 1.7 & 2.3). The proposed restroom site is in a grassy area with some brush nearby. The area a little more than 130 to the south of the project site is a growth of cottonwood trees."

3. Testimony and Evidence Presented

- A. Lisa Estrin testified for the County and summarized the Staff Report. The facts stated by Staff in the Staff Report are hereby incorporated by this reference herein.
- B. Matt Randall, Engineer for the Applicant, testified in support of the application.
- C. No testimony or evidence was presented in opposition to the application.

STANDARDS, CRITERIA, ANALYSIS AND FINDINGS OF FACT

1. Staff Recommended Findings

As Hearings Officer I have reviewed the findings of fact recommended by planning staff as contained in the Staff Report prepared by George Plummer for the public hearing which was held on September 14, 2007 at 10:30 a.m. I find that staff has accurately addressed the relevant ordinance criteria and do hereby adopt and incorporate by reference the findings set forth in the Staff Report as a part of this Final Order. A copy of the Staff Report is attached hereto as Exhibit "1" and is incorporated by this reference herein.

CONCLUSION

Based on the evidence presented at the hearing and the Staff Report and the findings and substantial evidence cited or referenced therein, I conclude that the application for community service conditional use, significant environmental concern, design review and sign permit to construct a two-stall ADA compliant composting restroom, ADA compliant walkway and a recreation boat tie up facility, including a dock, a walkway, debris boom and signage satisfies all applicable approval criteria, provided that the conditions of approval included herewith are complied with. Accordingly, the Applicant's request for community service conditional use, significant environmental concern, design review and sign permit are hereby approved subject to the following conditions of approval:

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

- 1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents or specified in subsequent land use permits. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
- 2. Pursuant to MCC 37.0690, this land use decision is void/expires two years from the date the decision is final if the development action is not initiated within that time period. The property owner may request to extend the timeframe within

which this permit is valid, as provided under MCC 37.0690. Such a request must be made in writing prior to expiration of the decision.

3. A statement as shown in File Exhibit 2.4 shall be recorded with the Multnomah County Recorder 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. County Planning will provide the form to be recorded. [MCC 11.15.2053(B)]
4. The property owner shall maintain a primary and a secondary fire safety zone on the subject tract [MCC 11.15.2074 (A)(5)(c)]
 - A. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around the restroom structure as shown on Exhibit 1.6. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
 - B. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone on the subject property. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Maintenance of the secondary fire safety zone is required only on land surrounding the dwelling that is owned or controlled by the property owner.
5. The restroom structure shall comply with the standards of the applicable building code and shall have a fire retardant roof. [MCC 11.15.2074(B)]
6. Any in-water work shall occur only during the in-water work periods specified by the Oregon Department of Fish and Wildlife. [MCC 11.15.6420(F)]
7. If any archaeological artifacts are discovered during construction, work shall stop immediately, until a qualified archaeologist analyzes them and the project is approved to continue by the State Historic Preservation Office and proper federal authorities. [MCC 11.15.6420(H)]
8. The applicant shall demonstrate compliance with the FD Floodplain Development ordinance prior to building permit approval to ensure that Framework Policy 14 is met.

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9. The applicant shall demonstrate compliance with Grading and Erosion Control ordinance prior to building permit approval. [MCC 11.15.6420(J)]"

IT IS SO ORDERED, this 1st day of October, 2007.



JOAN M. CHAMBERS, Hearings Officer



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LAND USE AND TRANSPORTATION PROGRAM
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Staff Report

Community Service Conditional Use, Significant Environmental Concern, Design Review and Sign Permit

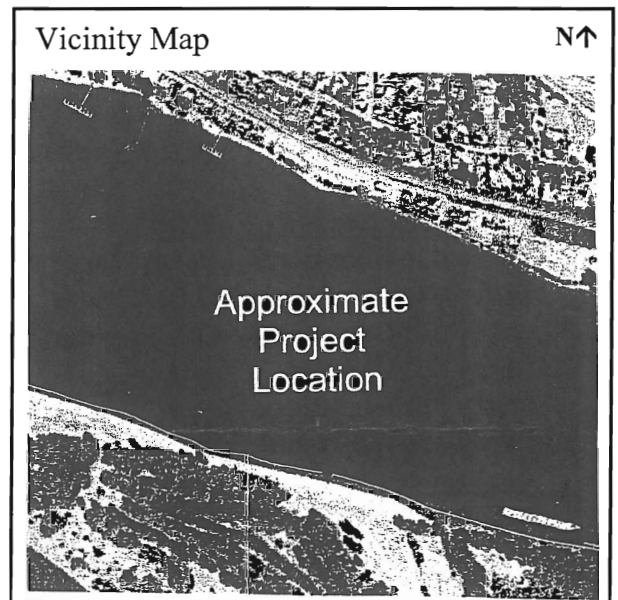
Case File: T3-07-002

Scheduled Before one of the following County
Hearings Officers:

Joan Chambers
Liz Fancher
Chris Cook

Hearing Date, Time, & Place:

Friday, September 14, 2007 at 10:30 am or soon
thereafter, in Room 103 at the Land Use Planning
Division office located at 1600 SE 190th Avenue,
Portland, OR 97235



Location: Government Island, Government Lot 5
TL 100, Sec 12, Township 1 North, Range 2 East, W.M.
Tax Account #R942120040

Applicant: Curt Vanderzanden
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111 SW Fifth Ave, Suite 2500
Portland, OR 97204

Property Owner: Port of Portland
Attn. Bill Bach
121 NW Everett St.
Portland, OR 97209

Summary Applicant requests approval of a Community Service Conditional Use, Significant Environmental Concern, Design Review and Sign Permit to construct a two-stall ADA compliant composting restroom, ADA-compliant walkway and a recreation boat tie-up facility including a dock, a walkway, debris boom and signage.

Zoning: Commercial Forest Use District and Significant Environmental Concern (SEC), Flood Hazard and Noise Impact Overlay Districts

Site Size: 54.79 acres

Exhibit 1
Page 1

Applicable Approval Criteria:

Commercial Forest Use

MCC 11.15.2050 Conditional Uses

MCC 11.15.2053 Use Compatibility Standards

MCC 11.15.2058 Dimensional Requirements

MCC 11.15.2074 Development Standards for Dwellings and Structures

Community Service

MCC 11.15.7010 General Provisions

MCC 11.15.7015 Approval Criteria

MCC 11.15.7025 Restrictions

Significant Environmental Concern

MCC 11.15.6408 Application for SEC Permit

MCC 11.15.6420 Criteria for Approval of SEC Permit

Comprehensive Plan Policies

Policy 11: Commercial Forest Land Area

Policy 14: Development Limitations

Policy 31: Community Facilities and Uses

Policy 37: Utilities

Policy 38: Facilities

Policy 39: Parks and Recreation

Design Review

MCC 11.15.7805-.7870

Signs

MCC 11.15.7902-.7982

Recommended Hearing Officer Decision:

Staff recommends that the Hearings Officer approve with conditions the Community Service Conditional Use, Significant Environmental Concern, Design Review and Sign Permit for the proposed restroom and boat tie-up facility including a dock, walkway, debris boom and sign. Staff recommends the following conditions of approval.

Recommended Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents or specified in subsequent land use permits. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

2. Pursuant to MCC 37.0690, this land use decision is void/expires two years from the date the decision is final if the development action is not initiated within that time period. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690. Such a request must be made in writing prior to expiration of the decision.
3. A statement as shown in Exhibit 2.4 shall be recorded with the Multnomah County Recorder 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. County Planning will provide the form to be recorded. [MCC 11.15.2053(B)]
4. The property owner shall maintain a primary and a secondary fire safety zone on the subject tract [MCC 11.15.2074 (A)(5)(c)]
 - A. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around the restroom structure as shown on Exhibit 1.6. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
 - B. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone on the subject property. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Maintenance of the secondary fire safety zone is required only on land surrounding the dwelling that is owned or controlled by the property owner.
5. The restroom structure shall comply with the standards of the applicable building code and shall have a fire retardant roof. [MCC 11.15.2074(B)]
6. Any in-water work shall occur only during the in-water work periods specified by the Oregon Department of Fish and Wildlife. [MCC 11.15.6420(F)]
7. If any archaeological artifacts are discovered during construction, work shall stop immediately, until a qualified archaeologist analyzes them and the project is approved to continue by the State Historic Preservation Office and proper federal authorities. [MCC 11.15.6420(H)]
7. The applicant shall demonstrate compliance with the FD Floodplain Development ordinance prior to building permit approval to ensure that Framework Policy 14 is met.
8. The applicant shall demonstrate compliance with Grading and Erosion Control ordinance prior to building permit approval. [MCC 11.15.6420(J)]

NOTE: Once the Hearings Officer's decision is final and all conditions of approval have been met, application for building permits may be made with the City of Portland, Building Bureau. When ready for zoning sign-off for plan check to obtain a building permit, the applicant shall call the Staff Planner, George A. Plummer at (503) 988-3043 ext. 29152, for an appointment for zoning review plan check and

to sign the building permit form. Please note, Multnomah County must review and sign off the building permit form and plans (fee \$53 and \$77 for erosion control inspection) before the applicant submits building plans to the City of Portland. Six (6) sets the plans and site plan of the building area are needed for building permits signed off.

FINDINGS OF FACT

Note: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. The applicant's statements are identified below as 'Applicant'. Staff comments and analysis addressing the applicable criteria are identified as 'Staff'.

1. PROPOSAL

Applicant: Construct a two-stall ADA-compliant composting restroom, ADA compliant gravel walkway and a recreational boat tie-up facility and associated structures.

Staff: The applicant is requesting a Community Service Use, Significant Environmental Concern, Design Review and Sign Permit for a two stall composting restroom and boat tie up facility on lands used as a primitive park on Government Island within the Commercial Forest Use Zone District and Significant Environmental Concern, Noise Impact and Flood Hazard Overlay Zone Districts. The project includes a boat tie-up facility consisting of a double dock with a 400 foot and a 600 foot docks connected to the shore with a 560 foot walkway. The boat tie up facility includes a debris boom to protect the boat from debris coming down the river. Once on shore there is a gravel walkway about 160 feet long to the restroom at about 28 foot land elevation. Signage will be used to regulate boat traffic and for informational purposes. The facilities are proposed to be ADA compliant.

2. PROPERTY DESCRIPTION & VICINITY

Staff: The proposed project is located on Government Island an island in the Columbia River mostly owned by the Port of Portland. Public access is allowed to this portion of the island, called Sandy Beach, which has boat only access to a primitive park area. Government Island has been historically used as a primitive public park by boaters. Oregon Department of Parks and Recreation leases the subject area of the island from the Port for recreational uses. There have been three previous Community Service Conditional Use approvals issued by Multnomah County for park accessory structures such as docks, picnic structures and restrooms (CS 4-80, CS 4-82 and T3-03-005) located in other areas of the island. Currently users anchor offshore or run their boats up on the beach. Recreational users use the area for fishing and primitive camping. The project area is a sandy beach with a shallow sloped sandy dune rising up from the beach (Exhibit 1.7 & 2.3). The proposed restroom site is in a grassy area with some brush nearby. The area a little more than 130 to the south of the project site is a growth of cottonwood trees.

3. ADMINISTRATION & PROCEDURES

3.1. Summary of Decision Making Processes

MCC 37.0530(C): Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. The process for these decisions is controlled by ORS 197.763. Notice of the application and Hearings Officer hearing is published and mailed to the

applicant, recognized neighborhood association and property owners 750 feet of the subject tract. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is final. The decision is final the day the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

Staff: The application has followed the procedures for a Type III land use decision. The application was received on March 23, 2007 (Exhibit 1.1). It was declared complete on July 27, 2007 when additional information was submitted. On August 23, 2007 a Notice of Public Hearing was mailed to all property owners within 750 feet, recognized neighborhood associations, the applicant and the property owner (Exhibit 2.4). On August 23, 2007 notice was published in the Oregonian.

3.2. Initiation of Action

MCC 37.0550: Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: The proposed project is located on a Tax Lot 100, Section 12, Township 1 North, Range 2 East (Tax Account #R942120040). Assessment & Taxation records show that the land is owned by Port of Portland (Exhibit 2.1). Bill Bach, Corporate Real Estate Manager, Port of Portland signed the application form as the property owner (Exhibit 1.1). This criterion has been met.

4. COMMERCIAL FOREST USE – 4 LOT OF RECORD PROVISIONS

MCC 11.15.2062 A: For the purposes of this district, a Lot of Record is

1. A parcel of land:

- a. For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;
- b. Which satisfied all applicable laws when the parcel was created; and
- c. Which satisfies the minimum lot size requirements of MCC .2058, or A parcel of land:
- d. For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- e. Which satisfied all applicable laws when the parcel was created;
- f. Does not meet the minimum lot size requirements of MCC .2058; and
- g. Which is not contiguous to another substandard parcel or parcels under the same ownership, or

2. A group of contiguous parcels of land:

- a. For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

- b. Which satisfied all applicable laws when the parcels were created;
- c. Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
- d. Which are held under the same ownership

Staff: The 54.79 acre property is Government Lot 5 of Section 12, Township 1 North, Range 2 East (Exhibit 2.1). The property was created prior zoning and land division review requirements as a Government Lot. The property meets these Lot of Record standards. The subject property exceeds 19 acres (Exhibit 2.1). All of the adjacent properties in resource zones exceed 19 acres. The subject property meets the standards as a lot of record.

5. CFU COMMUNITY SERVICE CONDITIONAL USES

- 5.1. MCC 11.15.2050(C): The following Community Service Uses pursuant to the provisions of MCC 11.15.2053, MCC 11.15.2074, MCC 11.15.7005 through .7015, and MCC 11.15.7035 through .7072.

* * *

9. **Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.**

Staff: The proposed dock facilities and restroom are accessory structures for the existing park. The area has historically been used for primitive camping with similar accessory uses approved through case Community Service Use Cases CS 4-8, CS 4-82 and T3-03-005 approving a docks, picnic shelters and restrooms. This criterion requires the provision of the following code be met:

MCC 11.15.2053 is addressed below in Section 5.2 of this staff report;

MCC 11.15.2074 is addressed in Section 9 of this staff report;

MCC 11.15.7005 through .7015 is addressed in Section 6 of this staff report; and

MCC 11.15.7035 through .7072 are not applicable to this type of project because they are related specific types of condition uses that have more impacts such as radio towers and landfills.

5.2. Use Compatibility Standards

- 5.2.1 MCC 11.15.2053(A): 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;
- 2. Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

Applicant: *Government Island hosts two primary functions: use as a recreational stop for boaters, and habitat for wildlife and cattle. Boaters frequently anchor at Sandy Beach for activities such as picnicking and primitive camping. The interior portion of the island is off-limits to the public, as it is protected habitat for wildlife and also functions as a private cattle ranch.*

Recognizing the fact that cattle range freely about the island and wildlife flourishes around the island, the project was designed to protect or improve as much of the existing function and

habitat of the island while also improving the recreational stop facility. The proposed development will not inhibit the free range habitat for wildlife and cattle; no fences are proposed. No trees will be removed with the construction of the new restroom and docks. By formulating an entrance and restroom for the public, the forest will be enhanced by minimizing the amount of foot traffic and human waste deposited therein.

Another benefit of the reduced foot traffic to the forest with the provision of the public restroom includes reduced potential for cigarettes to be discarded in the forest area and hence minimizes the potential for fire hazards. In the event of a fire on Sandy Beach or Government Island, the Port of Portland would respond. Because of these considerations, we believe the proposed project will not force a significant change in the forestry or farming practices on the island.

Staff: The proposed restroom is in an area at least 130 feet from the tree growth line (Exhibit 1.6). The area is grassy and will continue to be grazed by livestock which graze the island. The proposed use's minor footprint will have very little affect on the farm practices on the island. Fire safety zones will be required by a condition and the Port of Portland, the property owner will respond in the event of a fire (Exhibit 1.11).

- 5.2.2. MCC 11.15.2053(B). 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.**

Staff: The statement is included as Exhibit 2.4. A condition can ensure this is met.

6. COMMUNITY SERVICE CONDITIONAL USE

6.1. Purpose

MCC 11.15.7005 Purpose: .7005 through .7041 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter.

Staff: The proposed use is in this category as a public service uses.

6.2. Community Service General Provisions

* * *

MCC 11.15.7010(F) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.

(G) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

Staff: Design Review standards have been addressed in Section 12 of this staff report. A Community Service approval will not amend the Zoning Map.

6.3. Community Service Approval Criteria

6.3.1. MCC 11.15.7015(A): Is consistent with the character of the area;

Applicant: *Government Island is a natural/primitive area that provides habitat for wildlife and livestock and a rest stop for recreational boaters in Columbia River. The proposed development is consistent with the character of the area in several ways.*

The proposed boat tie-up and public restroom will provide recreational boaters convenient facilities and minimize foot traffic and the deposition of human waste in the forest and surrounding area. This will help preserve the health and character of the area for people and animals into the future. The proposed restroom is to comply with the color requirements of the Columbia River Scenic Byway. This will help blend the facility into the surrounding environment by complying with a color palette specifically designed to resonate with the natural hues of the Columbia River and associated landscape. The shade of brown chosen for the facility is similar to the shade used on the composting restroom upstream on the island at Bartlett Landing. In addition, the restroom is designed to be "off the grid" meaning it has no need for exterior supplies of water or electricity. The primitive and environmentally friendly design keeps with the character of the area.

No fences are proposed as part of this development. This will continue to provide open access to wildlife and livestock across the project site.

Government Island currently has two moorage facilities for boats located on the north shore, Government Island Dock and Bartlett Landing. The boat dock proposed for this development will provide a safer access to the many recreationists who frequent the area. Currently, visitors to Sandy Beach either pull their boats up on shore, anchor along the shore, or tie-up to vegetation or rocks on shore. The boat dock will help to minimize damage to habitat along the perimeter of the island caused by current anchoring methods.

In these ways, the proposed design is consistent with, and will help to preserve, the character of the area.

Staff: The character of the area is an existing beach which is used by recreational boat users. The proposed development will provide a dock for tying up the boats and a restroom for the recreational visitors to use. The proposed use fits into the recreational character of the area. This criterion is met.

6.3.2. MCC 11.15.7015 (B): Will not adversely affect natural resources;

Applicant: *The proposed development will not adversely affect natural resources; it will help to preserve and protect the natural resources of the area.*

The current practice of boaters visiting Sandy Beach is to anchor along shore, or tie-up to vegetation or rocks on shore. These practices can be erosive and cause damage to the river bottom habitat. The installation of the dock and ramp walkway will help to minimize erosion and damage to the natural river habitat.

The installation of a public restroom will help to minimize foot traffic and the deposition of human waste in the forest and surrounding area. This will work to improve the existing habitat for the wildlife that lives on or uses the island.

Staff: The proposal will reduce the affect on natural resources by modifying existing practices related to the recreational use of the area. The proposed development will provide a dock for tying up the boats and a restroom for the recreational users. The proposed dock will reduce the shore and river bottom damage resulting from the current practices of anchoring or tying up boats to shore features. The walkway will also reduce the erosion potential related to the pathway as well as providing ADA compliant access. The restroom will reduce the disposal of human wastes in the forest and surrounding areas on the island. This criterion is met.

6.3.3. MCC 11.15.7015(C): Will not conflict with farm or forest uses in the area;

Applicant: *Farm uses in the surrounding area include open grazing for livestock (cattle). The proposed development includes the installation of an improved gravel path to a new restroom facility. The proposed footprint of this development is approximately 1000 square feet on the approximately 2000 acre Government Island. No fences are proposed as part of this development; cattle will continue to be free to graze across this site. No conflicts are anticipated.*

The forested area surrounding Sandy Beach includes a canopy of deciduous trees (i.e. black cottonwood) with an understory of brush such as snowberry and stinging nettle. The proposed restroom is located approximately 130 feet from the tree canopy. The installation of a public restroom will help to minimize foot traffic and the deposition of human waste in the forest and surrounding area.

Staff: The proposed uses are in an area which is grazed by cattle. Given the primitive nature of the site and access by boat only, the recreational use is limited in nature. The footprint of the proposed development is minor and cattle will continue to graze the area when they choose, likely during times when humans are not present. The proposed use will not conflict with farming/grazing. The development area is not forested. The proposed development includes a fire safety zone which will be required by a condition and will provide protection of the wildfire. This criterion is met.

6.3.4. MCC 11.15.7015(D): Will not require public services other than those existing or programmed for the area;

Applicant: *The restroom facility is self-contained and will not require a connection to a public system for water or sewer. Photo voltaic cells provide power. The area is already managed by OPRD and will remain so in the future.*

Staff: No additional public services will be needed due to the proposed development. The site will continue to be managed by Oregon Park and Recreation Department as a primitive park. The property owner the Port of Portland provides for fire protection for the site (Exhibit 1.11). The Multnomah County Sheriff Marine Patrol provides police protection for the area through contract (Exhibit 1.10). This criterion is met.

- 6.3.5. MCC 11.15.7015(E): 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;**

Applicant: *While deer do frequent the area, no hunting is allowed on Government Island. This was confirmed by the park ranger, John Cowan.*

Staff: The project site is not in the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. This criterion is met.

- 6.3.6. MCC 11.15.7015(F): Will not create hazardous conditions; and**

Applicant: *The project is designed to provide a safe place for island users to dock their boats. It is also designed to provide restroom facilities for visitors. While some hazards naturally exist to all boaters, this facility by its design will provide a safer facility for the users to moor their boats.*

In the event that a hazardous event occurs, a contract is in place with the Multnomah County Sheriff Patrol for security, fire prevention, and first alert for fire. The Port of Portland will also respond to fires as part of the lease agreement for the site.

Staff: The proposed development will reduce risks to recreational users of the site by providing a dock tie-up and by providing sanitary waste disposal. The property owner the Port of Portland provides for fire protection for the site (Exhibit 1.11). The Multnomah County Sheriff Marine Patrol provides police protection for the area through contract (Exhibit 1.10). This criterion is met.

- 6.3.7. MCC 11.15.7015(G): Will satisfy the applicable policies of the Comprehensive Plan.**

Applicant: *See page one of this application for satisfaction of the applicable policies of the Comprehensive Plan.*

Staff: Findings for the Comprehensive Plan Policy are in the Section 7 of this staff report. This criterion is met.

7. COMPREHENSIVE PLAN POLICIES

7.1. Policy 11: Commercial Forest Land Area

The County's policy is to designate and maintain as commercial forest land, areas which are:

- A. Predominantly in forest cubic foot site class i, ii, and iii, for Douglas Fir as classified by the U.S. Soil Conservation Service;**
- B. Suitable for commercial forest use and small woodlot management;**
- C. Potential reforestation areas, but not at the present used for commercial forestry;**
- D. Not impacted by urban services; and**
- E. Cohesive forest areas with large parcels; or**
- F. Other areas which are:**
 - 1. Necessary for watershed protection or are subject to landslides, erosion or slumping; or**

2. Wildlife and fishery habitat areas, potential recreation areas or of scenic significance.

Applicant: *No commercially valuable stands of timber are present on the island.*

Staff: The proposed development is to provide sanitary waste disposal for recreational users of the island. Recreational use is a use that is listed under this policy as a forest use. Given the minor amount of development area, the proposed development will not impact forest uses of the area. This policy is met.

7.2. Policy 14: Development 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:

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

Staff: The elevation contours on the site plan show that the slopes are less than 20 percent in the development area. The *Soil Survey of Multnomah County* by the Soil Conservation Service indicates the soil in the development area is a sandy, well drained soil. Given the type of soil, staff finds the potential for erosion during development is minor. An erosion control permit is required to control erosion during construction. On-going erosion potential due to foot traffic will be reduced through the proposed gravel pathway from the dock to the restroom. Given the minor slope there should be no slumping, earth slides or movement related to this project. The proposed use is located in the 100 year floodplain which will require a Floodplain Development Permit. This policy is met or can be met through a condition that requires a Floodplain Development Permit.

7.3. Policy 31 Community Facilities and Uses

The County's policy is to:

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.**
- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**
- C. Encourage land use development which support the efficient use of existing and planned community facilities.**
- D. Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.**

E. Classify community facilities according to their function and scale of operations.

Applicant: *The proposed project qualifies as a Minor Regional Public Facility. It satisfies the development requirements of that category, as follows:*

- *Access: Access to this site is convenient only to boaters.*
- *Impact on Adjacent Lands: This development will not generate a significant increase in the recreational use of Government Island. It is designed to better accommodate the existing users. The only permanent activity on the island is cattle grazing, which is unaffected by this project.*
- *The natural features of the area have been incorporated in this proposal.*

Staff: The facility is a minor regional facility. This area of Government Island is used for as a primitive recreational park by boater and fishers. Due to that usage it is timely to establish a dock to reduce damage to shore and river bottom and to provide a restroom for sanitary waste disposal. This policy is met.

7.4. Policy 37: Utilities

7.4.1. Policy 37: Water and Disposal Systems

* * *

- 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.**

Staff: The proposed development is a restroom and a dock for a primitive recreation site. No water is system in necessary for the development. The applicant submitted a Certification of On-Site Sewage Disposal signed by Michael Ebling, Sanitarian, City of Portland approving the restroom system (Exhibit 1.9). These policies are met.

7.4.2. Policy 37: 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.**

Staff: The proposed restroom will establish a minor amount of impervious area. For structures under 500 square feet the code does not require a stormwater disposal review. According to the SCS Soil Survey the soil is sandy and very well drained. Given the minor size of the restroom, 120 square feet the soil should absorb the runoff. These policies are met.

7.4.3. Policy 37: 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**

Staff: Electrical power for the restroom will be provided through photovoltaic cells. This policy is met.

7.5. 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:

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 comments on the proposal.**

Police Protection

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

Applicant: *The proposed project is not accessible by land. Fire service will be provided through an agreement between OPRD and the Port of Portland from the river. See exhibit "EX-06". Water for fire fighting would be pumped from the River. The restroom facility will also include a fire suppression system.*

Staff: Fire protection service will be provided by the Port of Portland (Exhibit 1.11). The applicant submitted a Police Service review signed by Lt. Michael Shults indicating that Multnomah County Sheriff Office River Patrol provides police services for Government Island (Exhibit 1.10). These policies are met.

7.6 Policy 39: Parks and Recreation Planning

The County's policy is to operate its established parks and recreation program to the degree fiscal resources permit, and to:

- A. Work with residents, community groups and parks commission to identify recreation needs, to maintain and develop neighborhood parks, and to identify uses for under-developed park lands.**
- B. Work with federal, state and local agencies, community groups and private interests to secure available funds for development, maintenance and acquisition of park sites and recreation facilities for park purposes.**
- C. Encourage the development of recreation opportunities by other public agencies and private entities.**

Applicant: *The proposed community service structure supports the policy of developing recreational opportunities by other public agencies and private entities.*

Staff: The subject site is an existing primitive park managed by Oregon Parks and Recreation Department. The proposed development will provide facilities for recreation opportunities. This policy is met.

8. COMMERCIAL FOREST USE – 4 DIMENSIONAL REQUIREMENTS

MCC 11.15.2058 (C) Minimum Forest Practices Setback Dimensions from tract boundary – Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 35.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (c) 2.

Applicant: *Currently a road does not exist on this site from which to set back a building. Neither does this project include a proposal to build a road. Access to the site is gained by boat only. Therefore, the “road” would be the Columbia River. The proposed composting restroom building will be set back 125-feet from the Ordinary High Water line and a minimum of 76-feet from the nearest tree canopy.*

Staff: The river functions similarly to a road for this property given that is where access is gained. Docks are depended on being located in the river and thus not required to meet setbacks. The proposed development meets the required setbacks (Exhibit 1.4 – 1.6).

9. CFU-4 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049(B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

9.1. MCC 11.15.2074 (A) The dwelling or structure shall be located such that:

Staff: These standards are addressed in the following findings.

9.1.1. MCC 11.15.2074 (A)(1). It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of MCC .2058(C) through (G);

Applicant: *For health and safety reasons, the optimal location for the restroom is as far as practicable from the free water body; from the forest and agricultural land-use perspective, the restroom will have the least impact as far as possible from the forest perimeter. Clearly the location of the restroom must strike a balance between these concerns. The proposed composting restroom will be placed on Sandy Beach approximately 130 feet from the nearest stand of trees and over 125-feet from the ordinary high water line of the Columbia River. We believe this is the best possible solution for the site.*

The forest practices setback dimensions are not applicable to the boat tie-up facilities because the code does not take into account floating structures.

Staff: The proposed restroom is located close to the dock from which access is gained. It is located in an area with no trees (Exhibit 1.6). Given the location of the development, close to the river, and its small footprint the impact to the adjoining forest or agriculture land is the least possible for this use. The proposed restroom meets the setback requirements of MCC .2058(C) through (G). This standard is met

9.1.2. MCC 11.15.2074 (A)(2): Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Applicant: *Several items have been addressed in order to minimize adverse impacts on forest operations and accepted farming practices. Fences are not proposed with this project as they may inhibit the free range of wildlife and cattle on the island. The provision of the restroom will discourage the public from walking into the woods for this purpose, which will help to minimize adverse impacts on the surrounding landscape.*

Staff: The proposed uses are in an area which is grazed by cattle. Given the primitive nature of the site and access by boat only, the recreational use is limited in nature. The footprint of the proposed development is minor and cattle will continue to graze the area when they choose to, likely during times when humans are not present. The proposed use will not conflict with farming/grazing. The development area is not forested. The proposed development includes a fire safety zone which will be required by a condition and will provide protection of the wildfire. This criterion is met.

9.1.3. MCC 11.15.2074 (A)(3): The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

Applicant: *Only 120 square feet of area is used for the proposed composting restroom. It is sited well away from established forest land.*

Staff: The rest room will be 120 square feet with a walking path to it. This is a minimum amount of land used. This standard is met.

9.1.4. MCC 11.15.2074 (A)(4): Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

Applicant: *The proposed pathway is 177 feet in length. The pathway provides a dedicated access from the boat tie-up to the composting toilet and better protects the existing vegetation.*

Staff: There is no road associated with this development. The path from the dock will be 177 feet long which is the minimum distance necessary to serve the use. This standard is met.

MCC 11.15.2074 (A)(5):The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- 9.1.4.1. **MCC 11.15.2074 (A)(5)(a).** The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

Applicant: *While the proposed building is technically not a dwelling, an agreement between Oregon Parks and Recreation and the Multnomah County Sheriff Patrol exists for security, fire prevention, and first alert for fire. In addition the lease agreement between OPRD and the Port of Portland for the site includes an agreement that the Port will respond to fires. A copy of this agreement is included as Exhibit "EX-06".*

Staff: Although a dwelling is not proposed the Port of Portland will provide fire protection for this development (Exhibit 1.11). The Port will respond to fires as part of the lease agreement for the site. This standard is met.

- 9.1.4.2. **MCC 11.15.2074 (A)(5)(b):** Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

Applicant: *The proposed building will not be served by a truck. Fire service will be provided by a fire boat. The building is within 125-feet of the Ordinary High Water elevation and 265-feet of Ordinary Low Water. The building will be constructed using fire-retardant materials.*

Staff: There is no road access to this property. Fire fighting access will be by river. This standard is met through access from the river.

- 9.1.4.3 **MCC 11.15.2074 (A)(5)(c):** Maintenance of a primary and a secondary fire safety zone on the subject tract.

- i. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
- ii. On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance in Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- iii. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of

trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.

- iv. No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to
- v. the State Forest Practice Rules; and Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

Applicant: Refer to Exhibit 01 for a plan view of the project superimposed over aerial photographs of the site. As indicated on the exhibit, the building is located such that no trees exist within the primary fire safety zone of 30-feet in all directions from the building. Other vegetation in this area is to be maintained to remain less than two feet in height (part i). The building is located on an area with grades of less than 10 percent slope, so part ii does not apply. Part iii: The secondary, 100-foot, fire safety zone does not contain any trees. The undergrowth consisting of bushes and grasses is to be thinned and cleared to prevent the spread of fire up into the crowns of the larger trees. Photographs which portray the existing vegetation at the project site are included as Exhibit 8.

Additional fire safety measures have been incorporated into the design for the proposed public restroom. Similar to the recently constructed restroom at Bartlett Landing (upstream on Government Island), the structure shall be constructed using fiber-cement siding and floor covering, steel door and jambs, and fire-rated fiberglass liner inside the toilet room, and fiber-cement floor covering. The restroom facility will also include a fire suppression system which senses a high temperature in the tanks and starts the spray pumps. Additionally, the Port of Portland will respond to fires as part of the lease agreement for the site.

Staff: These standards can be met by the proposed development and be required as a condition.

9.1.4.4. MCC 11.15.2074(A)(5)(d) The building site must have a slope less than 40 percent.

Staff: The building slope is less than 40 percent (Exhibit 1.). The standard is met.

9.1.4.5. MCC 11.15.2074(B):The dwelling or structure shall:

1. Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

* * *

4. Have a fire retardant roof.

Applicant: The restroom will comply with Multnomah County's Section 29 – Building Regulations and the Oregon Structural Specialty Code. The restroom facility is not a mobile home so part (2)

is not applicable. The restroom facility has a fire retardant roof. The restroom facility does not have a chimney.

Staff: These standards can be met through a condition of approval can requiring a building permit.

10. SIGNIFICANT ENVIRONMENTAL CONCERN FOR HABITAT

10.1. Criteria for Approval of SEC Permit

- 10.1.1. **MCC 11.15.6420(A): The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

Applicant: *The proposed composting restroom on Sandy Beach is more than 120 feet away from the ordinary high water line of the Columbia River. Any ground disturbed during construction will be regraded as necessary and replanted with native grasses. The restroom will be brown in color and will blend in to the background of trees behind it. No shrubs or special landscaping plants will be installed to reduce maintenance to the site. See attached photo of a similar restroom color installed at Bartlett Landing on Government Island (Exhibit "EX-05").*

Staff: The proposed restroom is to serve the open space primitive park area. The restroom is setback 120 feet from ordinary high water providing a buffer to the river, siting it in the open area. This standard is met.

- 10.1.2. **MCC 11.15.6420(B): Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

Applicant: *This project will not conflict with farm or forest uses in the area. The island is uninhabited. No commercially valuable stands of timber are present on the island. The island is used for grazing cattle; however, this use will not be affected by the proposed projects.*

Staff: The proposed development is in an area at least 130 feet from the line of tree growth on the island. The area has some grass which will continue to be grazed by livestock which grazing the island. The proposed use has a minor footprint will have very little affect on the farm practices on the island. This standard is met.

- 10.1.3. **MCC 11.15.6420(C): A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

Applicant: *The composting toilet will not require the removal of trees. There will be minor clearing and grubbing of grass, but, otherwise, there is no other impact on the environment.*

Staff: The project involves minor clearing of brush, other than that the area will remain natural. This standard is met.

10.1.4. MCC 11.15.6420(D): Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Applicant: *The finished floor of the composting restroom is located above the base flood elevation. The proposed restroom is self-contained and does not need a sewer hookup. No electricity will be needed. Lighting will be provided by both a skylight and solar power. Ventilation will be solar-powered. The proposed project is located to minimize vegetation removal.*

Staff: The proposed project is to provide sanitary waste disposal and to protect the river bank and bottom. The proposed use will reduce will minimize the existing environmental conflicts with in the area. This standard is met.

10.1.5. MCC 11.15.6420(E): The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Applicant: *This project was designed to minimize the effects of vandalism. The proposed in-water project will be visible from the river so that public safety is enhanced. Tugboat operators and residents across the river will be asked to report any problems noted. The proposed restroom is designed for quick installation and has cement siding to minimize fire hazards. The island is only accessible by boat and will be maintained by rangers, who already serve this area.*

Staff: The facilities are located and designed for public safety. The site is visible to river traffic and from the north bank. The applicant submitted a Police Service review signed by Lt. Michael Shults indicating that Multnomah County Sheriff Office River Patrol provides police services for Government Island (Exhibit 1.10). This standard is met.

10.1.6. MCC 11.15.6420(F): Significant fish and wildlife habitats shall be protected.

Applicant: *The proposed project will not affect any significant fish and wildlife habitats. Potential short-term disturbance may occur during construction. All in-water construction shall take place only during the in-water work periods specified by the Oregon Fish and Wildlife Department. This project was designed to minimize the removal of vegetation. This project does not involve any dredging.*

Staff: The dock will provide a boat tie-up eliminating the current use damage to the shore and river bottom that resulted from anchoring or tying boats to the shore features. The work for the dock facility and debris boom will be done during the Oregon Department of Fish and Wildlife in-water work period to protect fish habitat. The minor nature of this proposed development will not result in a significant impact on fish and wildlife. This standard can be met through a condition.

10.1.7. MCC 11.15.6420(G): The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.

Applicant: *The natural vegetative fringe will not be altered.*

Staff: A minor amount of grassy dune area will be affected by this project. All disturbed areas will be replanted in native grasses. The area is in its natural state and there is no need for enhancement. This standard is met.

10.1.8. MCC 11.15.6420(H): Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Applicant: *Based on conversation with the State Historic Preservation Office archaeologist, there are no known archaeological areas within or near the project areas. However, if any potentially significant artifacts are discovered during construction, work shall stop immediately, until a qualified archaeologist analyzes them.*

Staff: The applicant checked with the State Historic Preservation Office archaeologist which has indicated there are no known archaeological areas within or near the project areas. This standard can be met through a condition.

10.1.9. MCC 11.15.6420(I): Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Applicant: *The finished floor of the composting restroom is located above the base flood elevation and is over 120 feet away from the ordinary high water level of the Columbia River. The portion of the structure below the base flood elevation will be constructed to be flood proof. All in-water work shall only be performed during the in-water work periods specified by the Oregon Department of Fish and Wildlife. There will be no dredging.*

Staff: Areas of annual flooding, water areas, and wetlands will not be impacted by this development in relationship to preserving water quality and protect water retention, overflow, and natural functions. The proposed project will improve water quality by providing for sanitary waste disposal thus preventing that waste from entering the water. While the dock is located in the river it is required to be designed to withstand flooding. The restroom will meet the flood plain standards for the 100 year flood event. A Floodplain Development Permit has been applied for in conjunction with this project. This standard can be met through a condition requiring the project meet the Flood Hazards Overlay Code standards.

10.1.10. MCC 11.15.6420(J): Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Applicant: *Erosion protection, compatible with the environmental character, will be provided as needed. This includes temporary sediment fencing and erosion control grasses as discussed in the Grading and Erosion Control (GEC) permit application.*

Staff: The applicant has applied for a Grading and Erosion Control permit in conjunction with this development. That permit will require areas of erosion or potential erosion to be protected

from loss by appropriate means. This standard can be met through a condition requiring the project met the Grading and Erosion Control Code standards.

- 10.1.11. MCC 11.15.6420(K): The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

Applicant: *The proposed project will not affect the quality of the air, water, or land resources.*

Staff: The proposed project will not affect the air, water, and land resources and ambient noise other than potentially improving the water quality by providing sanitary waste disposal. This standard is met.

- 10.1.12. MCC 11.15.6420(L): The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

Applicant: *The proposed composting restroom shall be constructed of lumber with fiber-cement siding. A skylight will provide the lighting. Specifications for the composting restroom are included in this application.*

Signage for the restroom and boat tie-up facility will be provided by OPRD and will follow OPRD and Oregon State Marine Board Standards.

Staff: The restroom structure is designed to fit into site environment. The structure is relatively small with minimal bulk. It will be constructed of low reflectivity materials. There will be no lighting other than natural light. The structure and sign will be painted the typical State Parks colors which blend well with the surrounding environment. This standard is met.

- 10.1.13. MCC 11.15.6420(M): An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

Applicant: *The proposed area is not recognized as fragile or endangered plant habitat or valued for specific vegetative features; therefore, this criterion is not applicable to this proposal.*

Staff: The project area is not recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation. This standard is met.

- 10.1.14. MCC 11.15.6420(N): The applicable policies of the Comprehensive Plan shall be satisfied.**

Applicant: *Applicable policies of the Comprehensive Plan have been reviewed as part of the Community Service Approval Criteria.*

Staff: The applicable policies of the Comprehensive Plan have been addressed in Section 7 of this staff report.

11. **NOISE IMPACT**

MCC 11.15.6076: Uses

- A. All uses allowed in the underlying zoning districts are allowed within the NI district, subject to MCC .6076 through .6086.**
- B. Exception: No new residential zoning shall be allowed in excess of that existing as of the date of adoption of this district.**
- C. Exception: Structures used in manufacturing or industrial processing and structures that are incidental (garages, storage buildings, etc.) to the primary use are exempt from the provisions of this district.**

Staff: The proposed restroom and dock facility are uses that are incidental to the primary use of a primitive park on the property. Thus these uses are excepted from the noise impact requirements.

12. **DESIGN REVIEW**

12.1. Design Review Criteria

12.1.1. MCC 11.15.7850(A)(1): 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.**
- b. The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**
- 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 proposed structures are designed to fit into the environment. The dock facility will be protected from drift logs using a boom. Both the dock walkway and boom are built at an angle reflecting the river flow direction. The boat tie up will prevent damage to river and/or shore from boaters accessing the beach through anchoring or tying boats to shore features. The restroom is designed for the environment of the property. The restroom will use natural lighting. The restroom is designed to not need an outside energy supply. The walkway will protect the trail area from erosion. The development will effectively and efficiently provide for boat tie ups with a short walk to use the restroom facility. The facilities are designed similar to existing State Parks accessory buildings providing an attractive appearance that blend with the environment. The development elements are designed at a human scale, are interrelated and provide compact spatial distance between the components providing an orderly use. These standards are met.

12.1.2. MCC 11.15.7850(A)(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.

Applicant: *This project was designed to minimize the effects of vandalism. The proposed in-water project will be visible from the river so that public safety is enhanced. Tugboat operators and residents across the river will be asked to report any problems noted. The proposed restroom is designed for quick installation and has cement siding to minimize fire hazards. The island is only accessible by boat and will be maintained by rangers, who already serve this area.*

An agreement between Oregon Parks and Recreation and the Multnomah County Sheriff Patrol exists for security...

Staff: The proposed development is visible from the river providing a clear view by river users. The while the entire development is visible the restrooms provide for privacy for users of the facility. This standard is met.

12.1.3. MCC 11.15.7850(A)(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.

Applicant: *The proposed project includes:*

- *Construction of a two-stall ADA-compliant composting restroom.*
- *Construction of an ADA-compliant walkway.*
- *Construction of a recreational boat tie-up facility and associated structures.*

Staff: The proposed development is designed to meet ADA standards of the needs of handicapped users. This standard is met.

12.1.4. MCC 11.15.7850(A)(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.

Applicant: *The natural vegetative fringe will not be altered.*

The proposed composting restroom on Sandy Beach is more than 120 feet away from the ordinary high water line of the Columbia River. Any ground disturbed during construction will be regraded as necessary and replanted with native grasses. The restroom will be brown in color and will blend in to the background of trees behind it. No shrubs or special landscaping plants will be installed to reduce maintenance to the site.

The proposed development will not adversely affect natural resources; it will help to preserve and protect the natural resources of the area.

The current practice of boaters visiting Sandy Beach is to anchor along shore, or tie-up to vegetation or rocks on shore. These practices can be erosive and cause damage to the river bottom habitat. The installation of the dock and ramp walkway will help to minimize erosion and damage to the natural river habitat.

The installation of a public restroom will help to minimize foot traffic and the deposition of human waste in the forest and surrounding area. This will work to improve the existing habitat for the wildlife that lives on or uses the island.

Staff: The proposed development is designed to fit into the landscape. There will be only minor disruption to the existing landscape for the construction of these facilities. The area will be reseeded with natural occurring vegetation when the ground disturbance is complete. This standard is met.

- 12.1.5. MCC 11.15.7850(A)(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: There will be no parking of land vehicles. The proposed dock is designed for circulation of boats using the facility with 110 feet between the two dock braches (Exhibit 1.4). The dock provides a pedestrian walkway to access the beach for restroom use or recreational use of the site. A walkway is provided to the restroom on the beach. This standard is met.

- 12.1.6. MCC 11.15.7850(A)(6): Drainage - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Staff: Given the minor size of the restroom no drainage system is required. The restroom is located in an area of fast draining sandy soils, thus no problem is anticipated. This standard is met.

- 12.1.7. MCC 11.15.7850(A)(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 proposed development is in an isolated area. Given the minor size of the proposed uses and distance to any neighborhood the visual impacts are minimal. This standard is met.

- 12.1.8. MCC 11.15.7850(A)(8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Staff: There are not utilities needed for the proposed development. This standard is met.

- 12.1.9. MCC 11.15.7850(A)(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: There are three signs proposed (Exhibit 1.4 Page 14). Two will be boat traffic regulation signs. The other will identify the site and provide information related to the site. The boat traffic signs are designed for that type of use. The informational sign is a standard State Parks design and colors without lighting or movement. This standard is met.

12.2. Required Minimum Design Review Standards

MCC 11.15.7855 (C): Required Landscape Areas

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

- 1. 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.**
- 2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.**
- 3. 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.**
 - 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.**
 - 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.**
 - 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.**
 - e. A parking landscape area shall have a width of not less than 5 feet.**
- 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.**
- 7. *Landscaped* means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

Staff: The proposed development covers a very minor part of the property with the rest of the property maintained in its natural landscape state and used as a primitive park. There is no automobile parking area for this development. Given the area is used as a primitive park in a natural setting the landscape should remain natural. The disturbed areas will be replanted using a native seed mix. Much of the island is heavily forested or natural grasslands. These standards are met for this development. These standards are met.

13. SIGNS

13.1. Signs in the CFU,

- 13.1.1 **MCC 11.15.7942** For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 11.15.7962 - .7978.

Staff: The applicable codes under MCC 11.15.7962 - .7978. are addressed in the following findings under Section 13 of this staff report.

13.1.2. **MCC 11.15.7942 (A): Free Standing Signs:**

1. **Allowable Area** Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.
2. **Number** One free standing sign is allowed per site frontage.
3. **Height** The maximum height of a free standing sign is 16 feet.
4. **Extension into the Right-Of-Way** Free standing signs may not extend into the right-of-way.

Staff: The applicant is proposing one free standing sign identifying the location and the public dock and restroom. The sign is 42 by 36 inches or 10.5 square feet. The frontage of the site greatly exceeds the distance that would allow up to a 40 square foot sign thus the 10.5 square foot sign is allowed. The sign height will be under 16 feet. It will not extend into any right-of-way. These standards are met.

13.1.3. **MCC 11.15.7942 (B) Signs Attached to Buildings:**

1. **Total Allowable Area** The total allowable area for all permanent signs attached to the building is determined as follows:
Eighteen square feet of sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.
2. **Individual Sign Face Area** The maximum size of an individual sign within the total allowable area limit is 50 square feet.
3. **Types of Signs** Fascia, marquee, awning and painted wall signs are allowed. Projecting roof top and flush pitched roof signs are not allowed.
4. **Number of Signs** There is no limit on the number of signs if within the total allowable area limit.
5. **Extension into the Right-Of-Way** Signs attached to buildings may not extend into the right-of-way.

Staff: No sign is proposed for the building.

13.1.4. **MCC 11.15.7942(C) Sign Features**

Permanent signs may have the following features:

1. Signs may be indirectly or internally illuminated.
2. Electronic message centers are not allowed.
3. Flashing signs are not allowed.
4. Rotating signs are not allowed.

5. Moving parts are not allowed.

Staff: The sign will not be illuminated and will not have moving parts. These standards are met.

13.2. Sign Placement

13.2.1. MCC11.15.7964(A) Placement

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

Staff: The proposed signs will be within the subject property site except for the signs on the dock or buoys relating boating use. This standard is met.

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13.2.2. MCC 11.15.7964(E): Pedestrian Area Clearances

When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

Staff: The proposed sign will not extend over the walkway. This standard is met.

14. EXHIBITS

14.1. Exhibits Submitted by the Applicant:

- Exhibit 1.1: Application form and memo from applicant requesting addition of Design Review submitted 3/23/07 & 8/23/07 (3 page);
- Exhibit 1.2: Revised narrative submitted 6/27/07 (18 pages)
- Exhibit 1.3: Addendum to narrative submitted 7/27/07 (4 pages)
- Exhibit 1.4: Site plan and design plans submitted 3/23/07 (16 pages)
- Exhibit 1.5: Additional site plans submitted 6/27/07 (4 pages)
- Exhibit 1.6: Site plan showing fire safety zones overlaid on an aerial photo submitted 7/30/07 (1 page)
- Exhibit 1.7: Photos of the site submitted 7/27/07 (2 pages)
- Exhibit 1.8: Photos of a similar restroom unit, elevation drawings and floor plan submitted 3/23/07 & 6/27/07 4/28/06 (8 pages)
- Exhibit 1.9: Certificate of On-Site Sewage Disposal signed by Michael Ebling, Sanitarian (3 pages)
- Exhibit 1.10: Police Service Review signed by Lt. Michael Shults, Multnomah County Sheriff Office, Lt. River Patrol (1 page)
- Exhibit 1.11: Email from Kevin S. Elmore, Fire Chief, Portland International Airport addressing fire protection for the site submitted 6/27/07 (1 page)
- Exhibit 1.12: Oregon Department of State Lands Permit for the dock submitted 8/28/07 (3 pages)

14.2. Exhibits Provided by the County

- Exhibit 2.1: County Assessment Records including assessment map for the subject property (3 pages)

- Exhibit 2.2: Current County Zoning Map with approximate project site location labeled (1 page)
Exhibit 2.3: 2004 Aerial Photo showing approximate project site location (1 page)
Exhibit 2.4: Example of statement has been recorded with the Division of Records (1 page)