

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

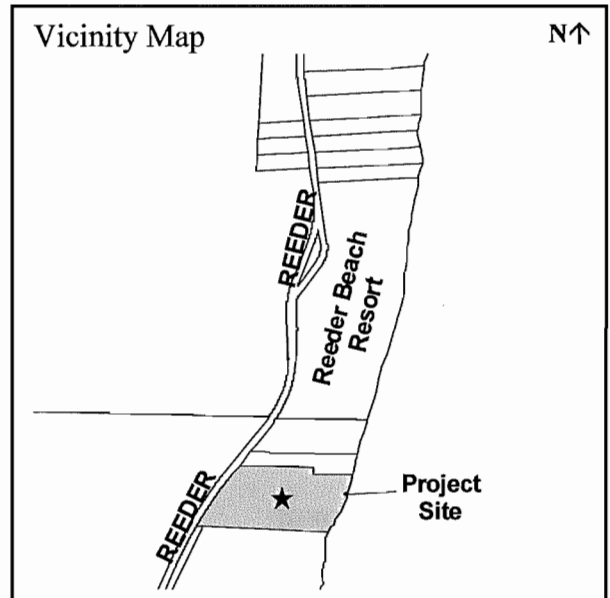
<http://www.multco.us/landuse>

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## NOTICE OF DECISION

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This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-2012-2574**Permit:** Significant Environmental Concern**Location:** 25602 NW Reeder Road  
Tax Lot 300, Section 26D  
Township 3 North, Range 1 West, W.M.  
Tax Account #R981260220**Applicant:** Thomas Hicks**Owner:** Thomas Hicks**Base Zone:** Multiple Use Agriculture – 20  
(MUA-20)**Overlays:** Significant Environmental Concern -  
general**Summary:** The proposed project is to construct a personal use boat dock on the Columbia River for use by the adjacent property owner.**Decision:** Approved with Conditions

Unless appealed, this decision is effective Friday, June 28, 2013, at 4:00 PM.

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Issued by:

By: 

Lisa Estrin, Planner

For: Karen Schilling - Planning Director

Date: Thursday, June 20, 2013

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, July 5, 2013 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

### **Scope of Approval**

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. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **This land use permit expires two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

### **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. Prior to October 1, 2013, the property owner shall submit a landscape plan to aesthetically enhance the shore line with 788 sq. ft of native vegetation around the area where the dock is anchored. The required vegetation shall be planted by December 31, 2013. [MCC 34.4555(A)]
2. Prior to land use approval of a building, electrical, plumbing or any other related permit, the property owner shall demonstrate compliance with the planting plan required in T2-05-045. If the

site is not in compliance, the property owner must install or replant the vegetation prior to Land Use Planning issue any of the above permits. [MCC 34.4555(G)& MCC 37.0560]

3. If any historic and/or archaeological resources are discovered on the property or in the project area extending into the Columbia River, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the property owner and his representatives involved in the project shall:
  - a. Halt Construction – All construction activities within 100 feet of the discovered resources shall cease. The historic and/or archaeological resources shall remain as found; further disturbance is prohibited.
  - b. Notification – The project applicant shall notify the County Planning Director within 24 hours of discovery and the Corps of Engineers immediately. If human remains are discovered, the State Medical Examiner and appropriate law enforcement agencies shall be notified immediately.
  - c. Survey and Evaluation – The project cannot recommence until such time as Federal and State coordination effort determines whether the resources warrant preservation or other recovery efforts.
  - d. If it is determined that the historic or archaeological resources are significant or warrant protection, the authorization granted by this permit shall become null and void and a new location for the dock identified. [MCC 34.4555(H)]
4. Prior to commencement of construction of the dock project, the Flood Development permit shall be authorized. [MCC 34.4555(I)]
5. Prior to ground disturbing activities or pile driving, a Grading and Erosion Control permit shall be applied for an approved. [MCC 34.4555(J)]
6. All lighting on the dock, ramp and shore associated with the boat dock shall be designed to shine downwards and not upwards or outwards. At time of Land Use Sign-off for any building permits, the property owner or his representative shall provide lighting details documenting compliance with this condition [MCC 34.4555(L)].

**Note:** Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-3043 ext. 22597, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required. These fees are increasing on July 1, 2013.

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

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

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### **1.00 Project Description**

**Applicant’s Project Description:** This is an application to site a boat dock for the personal use by the property owner. The subject property has river frontage on the Columbia River on the east shore of Sauvie Island. It has been developed with a single-family dwelling, and this dock is an accessory structure to that dwelling.

**Staff:** The proposed boat dock will consist of five, steel, 12-inch diameter steel pilings with a cone cap on each, a 165 ft long aluminum ramp hinged in the middle constructed of 3 or 4-inch tubing material and covered with either aluminum or fiberglass interlocking grate panels for the deck. The dock will be anchored to the shore by a 50 sq. ft. concrete pad. After completion, the boat slip will be able to accommodate a 40-foot long vessel and will include fresh water, electrical and wastewater utility service. An upland waste water sewage disposal system will be used to treat the wastewater. Total surface area of the float will be 788 square feet.

### **2.00 Property Description & History**

**Staff:** The subject site is 9.09 acres and is occupied by a single family dwelling. The dwelling was constructed in 2008 and was authorized by the Significant Environmental Concern (SEC) permit, T2-05-045. A 600-foot rock rip rap project was approved along the river bank by SEC permit, T2-06-075 to reduce the erosion of the riverbank.

### **3.00 MULTIPLE USE AGRICULTURE MUA-20**

#### **3.01 § 34.2825 REVIEW USES**

**(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.2820 Allowed Uses.**

**Staff:** The applicant is proposing to build a dock to tie-up his boat and enjoy the recreational qualities of the Columbia River. Like a garage is used to protect a vehicle and make it readily accessible, the dock will be used to secure the boat in the river and allow for its use in short order. The proposed dock is accessory to the residential use on the attached property.

#### **3.02 § 34.2870 LOT OF RECORD**

**(A) In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:...**

**Staff:** In T2-05-116 (Exhibit B.2), Land Use Planning authorized a property line adjustment between two Lots of Record owned by Mr. Hicks. The property line adjustment was completed and the subject parcel is currently in its legal configuration. *The subject parcel is a Lot of Record.*

#### **4.00 Significant Environmental Concern**

##### **4.01 § 34.4555 CRITERIA FOR APPROVAL OF SEC PERMIT**

**The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:**

**(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.**

**Staff:** The proposed project is an in-water dock. It is not feasible to have a functional boat dock on dry land. At the ordinary low water elevation of the Columbia River, the dock will extend approximately 90 feet into the channel as authorized by the Army Corps of Engineers permit (Exhibit A.?). Other than denying the permit, staff recommends aesthetic enhancement of the shore line to off-set for the in-water improvement. Where the dock is anchored to the shore, a condition has been added to add 788 square feet of around the area to aesthetically enhance the view from the Columbia River onto the subject property.

##### **4.02 (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

**Staff:** The subject property is not currently used for any agricultural or forest practices. The location of the approximately 4 ft by 6 ft concrete pad is at the top of the shore bank and would not impede placing the property into an agricultural or forest practice. The remaining portion of the project is located in area that is not capable of being farmed with terrestrial species.  
*Criterion met.*

##### **4.03 (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.**

**Staff:** Between the high-water and low-water line of the Columbia River, the shoreline has been covered in rip-rap to try to hold back the erosion from claiming the land. The dock will extend from the top of bank to the Columbia River and will not create any greater impacts than the rip-rap project. *Criterion met.*

##### **4.04 (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.**

**Staff:** The proposed dock will provide for the property owner's recreational needs as it will allow him to tie-up his boat allowing it to be used more frequently on the Columbia River.  
*Criterion met.*

##### **4.05 (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.**

**Staff:** The dock will be used for private purposes only. No public access will be allowed. It will be the responsibility of the property owner to protect boat and dock from vandalism and trespass. *Criterion met.*

##### **4.06 (F) Significant fish and wildlife habitats shall be protected.**

**Staff:** The National Marine Fisheries Service (NMFS) issued a biological opinion for the project. The Army Corps of Engineer's permit requires compliance with the permit as part of

their approval (Exhibit A.5). In the opinion of NMFS, the proposed dock is not likely to jeopardize the continued existence of a number of threatened or endangered fish species or adversely modify their designated critical habitats. Since NMFS is the Country's experts on marine species, staff finds that the proposed dock will not harm fish or wildlife habitat. *Criterion met.*

- 4.07 (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.**

**Staff:** As part of the approval for the dwelling constructed in 2008, a planting plan was submitted and vegetation was required to be planted, maintained and replaced as needed. A site visit to the property found that the planting plan had not been maintained between the dwelling and the Columbia River. To correct the situation, Land Use Planning has included a condition of approval that the planting plan from T2-05-045 be completed / restored prior to issuance of the land use approval for the building, electrical, plumbing, etc. permits. To mitigate for the intrusion of the dock into the SEC area, staff has required additional vegetation be added in the area around the concrete landing. *As conditioned, criterion met.*

- 4.08 (H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Staff:** There are no known archaeological areas on the subject property. A condition of approval has been included that if any unknown historic or archaeological remains are discovered, work shall cease and the appropriate authorities contacted. *As conditioned, criterion met.*

- 4.09 (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.**

**Staff:** The applicant has applied for a Flood Development permit to allow for the construction of the dock in the Columbia River channel. The proposed project must comply with MCC 29.600 *et al.* Provided the dock meets the Flood Development standards, the Columbia River channel will be preserved to the maximum possible extent. *As conditioned, criterion met.*

- 4.10 (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.**

**Staff:** The proposed project will require that five, 12-inch metal posts be driven into the ground in and adjacent to the Columbia River. The Corps of Engineer's permit allows them to be installed between November 1<sup>st</sup> and November 30<sup>th</sup> of the year. The remaining ground disturbance will be restricted to trenching for the pump-out line from the dock to the septic system, electrical conduit to the meter and the footings for the concrete landing. The trenching and footings will be completed outside of the banks of the Columbia River. A grading and erosion control permit will be required for this upland work. *Criterion met.*

- 4.11 (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.**

**Staff:** Tax Lot 300, 3N1W26D currently contains a single family dwelling. The property owner currently has the ability to anchor a boat at the subject property by pulling it up on the river bank. The proposed boat dock will not create any additional impacts to air, water or noise levels then what the owner already has the capability of doing by using his boat on the Columbia River. The proposed dock will contain a sewage holding tank and pump out ability

reducing accidental overflow of on-boat sewage. *Criterion met.*

**4.12 (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.**

**Staff:** The applicant has provided a written narrative regarding the design and materials to be used for the boat dock (Exhibit A.4). The float deck will have 4' by 6' Roto molded float units. They have a hard plastic box surrounding the encapsulated foam interior. The deck of the ramp and boat slip will consist of white, flow-through plastic deck panels with a 40% light penetration supported on a steel frame painted black. The ramp leading to the boat dock will be constructed of anodized aluminum. Lighting on the dock shall be designed to shine downwards and not upwards or outwards. *As conditioned, criterion met.*

**4.13 (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.**

**Staff:** The boat ramp will float in the Columbia River connected to five guide piles. A 50 square foot concrete pad will be installed above the existing rip-rap bank. The proposed dock will not endanger any fragile plant habitat or convert natural state of the bank as it has already been altered. The Army Corps of Engineers and National Marine Fisheries Service have reviewed the proposed project and required modifications to protect endangered species in the area. *Criterion met.*

**4.14 (N) The applicable policies of the Comprehensive Plan shall be satisfied.**

**Staff:** Staff has not identified any comprehensive plan policies that are applicable to the proposed project. *Criterion met.*

## **5.00 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern permit to establish a personal-use boat dock in the Multiple Use Agriculture -20 zone. This approval is subject to the conditions of approval established in this report.

## **6.00 Exhibits**

'A' Applicant's Exhibits

'B' Staff Exhibits

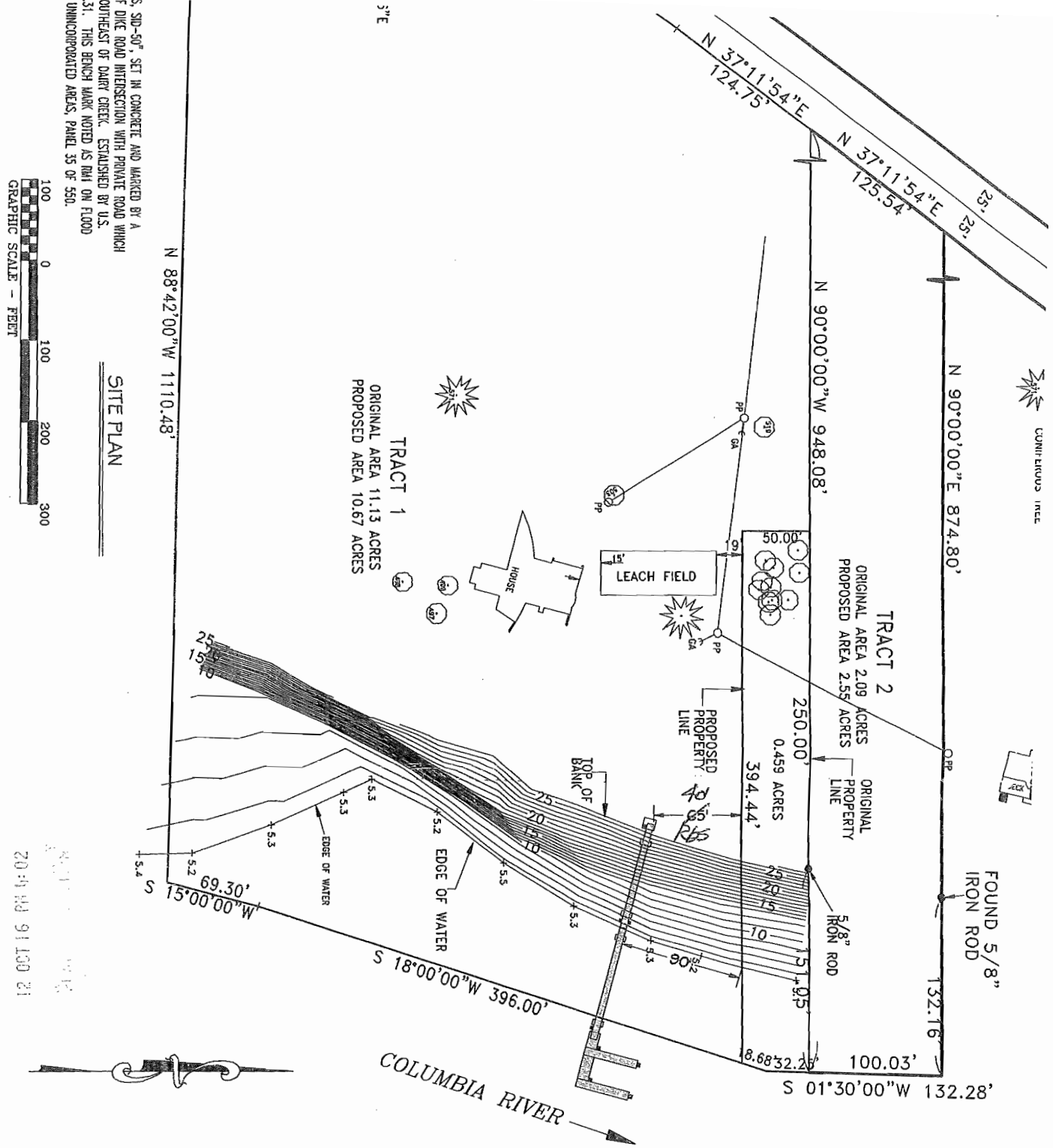
'C' Procedural Exhibits

Exhibits with a "\*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2012-2574 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	10/16/2012
A.2	1	Table of Contents	10/16/2012
A.3	8	Narrative Statement – Attachment 1	10/16/2012
A.4	1	Description of Construction Methods – Attachment 2	10/16/2012

A.5	13	Army Corps Permit – Attachment 3	10/16/2012
A.6	6	Plans – Attachment 6 a. Site Plan – Attachment 6.1 b. Plan and Profile – Attachment 6.2 c. Float Framing – Attachment 6.3 d. Elevation – Attachment 6.4 e. Ramps – Attachment 6.5 f. Ftg/Floats – Attachment 6.6	10/16/2012
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 3N1W26D - 00300	10/16/2012
B.2		T2-05-116 Property Line Adjustment	
‘C’	#	Administration & Procedures	
C.1	3	Incomplete Letter dated 11/08/2012	
C.2	1	Applicant’s Acceptance of 180 Day Clock received 11/20/2012	
C.3	1	Complete Letter (Day 1)	
C.4		Opportunity to Comment	
C.5		Administrative Decision	





**TOM HICKS**  
 25602 N.W. REDDER RD. SAUVIE ISLA  
 PORTLAND, OREGON

**SITE PLAN**  
 engineer: R.b.S.  
 drawn by: R.b.S.  
 date: 9-30-12  
 project number: V4040-1

Sheet  
**S 1**  
 of 6 sheets