

**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.co.multnomah.or.us/landuse>

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## Decision of Hearings Officer

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### Community Service Conditional Use Permit, Significant Environmental Concern Permit & Design Review

**Case File:** T3-2010-718**Hearings Officer:** Liz Fancher**Hearing Date:** August 20, 2010

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<b>Location:</b>	Bonneville Dam on the Columbia River, Cascade Locks Map: 2N7E21 - 00300 Alternate Account # R957210090		
<b>Applicant:</b>	Multnomah County Sheriff c/o Lt. Harry Smith	<b>Property Owner:</b>	Army Corps of Engineers
<b>Summary:</b>	Multnomah County Sheriff is requesting approval to establish a floating boat house at the Bonneville Dam complex to secure and protect government boats and related equipment so that responses to emergencies at the Bonneville Dam and the Columbia River can occur in a more timely fashion.		
<b>Base Zone:</b>	Rural Center (RC)		
<b>Overlays:</b>	Significant Environmental Concern		

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**Applicable Approval Criteria:**

*Rural Center:* § 11.15.2252 Conditional Uses, (A) Community Service Uses, § 11.15.2258 Dimensional Requirements, § 11.15.2264 Lot Sizes for Conditional Uses, § 11.15.2266 Off-Street Parking and Loading, § 11.15.2268 Access

*Significant Environmental Concern – General:* § 11.15.6420 Criteria for Approval of SEC Permit

*Design Review:* § 11.15.7850 Design Review Criteria, § 11.15.7855 Required Minimum Standards

*Community Service Conditional Uses:* § 11.15.7010 General Provisions, § 11.15.7015 Approval Criteria, § 11.15.7020 Uses, § 11.15.7025 Restrictions

Copies of the referenced Multnomah County Code (MCC) 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>.

### **Hearings Officer's Decision:**

Approval, subject to the following conditions based on the findings provided below:

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 applicants to comply with these documents and the limitations of approval described herein.
2. Pursuant to MCC 37.0700, this land use permit expires two years from the date the decision is final if:  
(a) development action has not been initiated; (b) building permits have not been issued, if required; or (c) final survey, plat, or other required documents have not been recorded, if required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0700. Such a request must be made prior to the expiration date of the permit.
3. Should any lighting be installed on the exterior of the boathouse, it shall meet "dark sky" requirements. [MCC 11.15.6420(L)]
4. The boathouse may retain its existing color (white) until such time as it is painted. Prior to painting, the boathouse shall be painted a light, "natural" color other than white (such as light gray). The Sheriff's Department shall submit its color choice to Land Use Planning to ensure compliance with this condition and the code in effect on the date this application was filed. [MCC 11.15.7850(A)(1)(a)]
5. Prior to occupancy of the boathouse by the Sheriff's Department, the utilities attached to the dock to serve the boathouse shall be painted to match the dock to help reduce its visibility. [MCC 11.15.7850(A)].

Dated this 9<sup>th</sup> day of September, 2010.



Liz Fancher  
Hearings Officer for Multnomah County

### **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*.

The Hearings Officer adopts all of the findings provided by the applicant and Staff, as edited by the Hearings Officer, to support approval of this application unless specifically noted in her findings. The Hearings Officer's findings are identified as 'Hearings Officer.'

#### **1.00 Project Description:**

**Applicant Narrative:** The Multnomah County Sheriff's Office has applied for a Department of the Army, Army Corps Engineers (ACE) and State of Oregon, Division of State Lands (DSL) Joint Permit to place the boathouse at the Bonneville Lock and Dam location. The DSL and ACE has completed their review and approved the permit for this project under Corps No.: NWP-2010-52. ACE requested project reviews/consultations by state and federal agencies, which included the Environmental

Protection Agency, US Coast Guard, US Forest Service, National Marine Fisheries Services, U.S. Fish and Wildlife Services, Oregon State Historic Preservation Office, Oregon Parks & Recreation, Oregon State Marine Board, Oregon Department Environmental Quality, Oregon Department Fish & Wildlife, Oregon Department of Land Conservation and Development, and Oregon Department of State Lands, ACE additionally coordinated with several federally recognized tribes.

The project includes floating an existing boathouse into and securing it to an existing dock and existing pilings. There will be no new construction for this project. The dock and pilings infrastructure are located at the downriver entrance to the Bonneville Commercial Lock. The purpose for having a boathouse moved to this location is to house the Multnomah County Sheriff's Office River Patrol dedicated Buffer Zone Protection boat and an Army Corps of Engineers boat.

After an extensive terrorist threat assessment by Federal and Local agencies (Sensitive Documents) the Multnomah County Sheriff's Office applied for the 2008 Buffer Zone Protection Program Department of Homeland Security Grant, which listed the Bonneville Dam as a Federal High Value Critical Infrastructure/Key Resource to the Pacific Northwest. MCSO was successfully awarded the Grant based on many factors; the most important security priority was the installation of a boathouse at Bonneville Dam. Currently the River Patrol boat response times to the Dam revolve around 1 hour. With a boathouse at the Dam these times will be reduced by at least 3 times, to about 20 minutes. The boathouse will provide the necessary protection for the highly sensitive electronics in an unpredictable extreme weather prone area and security for the onboard law enforcement equipment. There have been many times where patrol boats have had to cancel their response to an emergency situation at or near the Bonneville Dam due to extreme adverse weather conditions and the current lengthy transit. The ability to respond at emergency speeds trailering a boat is unsafe and there are not immediately available areas to deploy the boat into area. Army Corps of Engineers Bonneville Site security managers shares this priority and would also use the boathouse to house an ACE boat for their many missions.

The facility would be accessible 24 hours a day, used during emergency calls for service in the area and weekly for routine patrol functions. The facility will be used for patrol, training or similar uses. The facility would be utilized in partnership with the Bonneville Dam's Army Corps of Engineers. The site's water and land is owned by the Army Corps of Engineers. Oregon's Division of State Land has stated they do not own the water as the Dam's Lock was added after the Dam was built and is not part of the natural flow of the Columbia River.

**Staff:** While new construction will not occur on the site, installation of a boathouse constructed off-site and the addition of a new land use to the site requires review of a conditional use permit to establish the community service use of a government building. In addition to the community service conditional use, a significant environmental concern permit and design review approval is required to establish the use at the site.

**Hearings Officer:** The subject property is federal land that, as a general rule, is not subject to compliance with County land use regulations. Documents in the record indicate that the federal government required the Sheriff's Office to obtain County land use approval for the boathouse. The Sheriff's Office is proposing to move an existing boathouse to the subject property.

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

**Staff:** The Bonneville Dam complex consists of a number of structures including a dam, two power houses and ship locks to move barges, ships and boats from below the dam to Lake Bonneville, which exists above the dam. The original power house and dam was completed by the Federal Government in the 1930s to generate power for the Pacific Northwest. The facilities have been designated a National Historic Landmark District by the Federal Government in 1987.

### **3.00 Rural Center Criteria:**

#### **3.01 MCC 11.15.2252 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- A. Community Service Uses pursuant to the provisions of MCC .7005 through .7041.

##### **MCC 11.15.7020 Uses**

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority

- (6) Government building or use.

**Staff:** Multnomah County Sheriff is a governmental agency proposing to establish a boathouse to store their river patrol boat and equipment, in addition to the Corps of Engineers boat and equipment at the subject site. The structure and its related uses will facilitate the missions of these two governmental agencies. The proposed building and use falls within the community service category of "Government building or use." *This criterion is satisfied.*

#### **3.02 MCC 11.15.2258 Dimensional Requirements**

##### **C. Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

##### **Maximum Structure Height 35 feet.**

**Staff:** The proposed boathouse is located within the channel of the Columbia River near the shipping locks. It is setback from the River's shoreline adjacent to Interstate – 84 by approximately 300 feet.

**Hearings Officer:** Mark W. Herron of the Sheriff's Office submitted evidence that the boathouse is 25' 6", less than 35 tall. *This criterion is satisfied.*

#### **3.03 MCC 11.15.2262 Lot of Record**

- (A) For the purposes of this district, a Lot of Record is a parcel of land:

(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to October 6, 1977; and

(2) Which, when established, satisfied all applicable laws.

(B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

(C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

(D) Except as otherwise provided by MCC .2260, .2264, and .7720, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a

**structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.**

**Staff:** Tax lot 300, 2N7E21 was established by the Federal Government prior to the advent of zoning by the County in 1958. The subject development site qualifies as a Lot of Record. *This criterion is satisfied.*

### **3.04 MCC 11.15.2264 Lot Sizes for Conditional Uses**

**The minimum lot size for a Conditional Use permitted pursuant to MCC .2252, except subpart (C) thereof, shall be based upon:**

- (A) The site size needs of the proposed use;**
- (B) The nature of the proposed use in relation to its impact on nearby properties; and**
- (C) Consideration of the purposes of this district.**

**Staff:** Tax lot 300, 2N7E21 is 91.62 acres. The area to be utilized for Sheriff vehicle parking and the boat house is approximately 7000 sq. ft. No new parcel will be created as part of this application. The Sheriff's Department will utilize a small portion of the existing site area for the proposed governmental use. The Army Corps has authorized this application and use of these areas for the proposed improvements. The proposed parking is approximately 200 ft. from the south shore of the Columbia River and should create no impacts to nearby properties. The Rural Center zone allows the creation of one acre parcels. Since the existing tax lot is significantly larger than the allowed lot size, it would appear that the site is of an adequate size to allow the proposed conditional use. *This criterion is satisfied.*

### **3.05 MCC 11.15.2266 Off-Street Parking and Loading**

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

**Staff:** Planning staff is unable to determine an equivalent use listed in MCC 11.15.6142 to establish a parking requirement. MCC 11.15.6142(F) *Unspecified Uses* states *Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.* In addition, MCC 11.15.6122 *Interpretation* states *Off-street parking or loading requirements for structures or uses not specifically listed in MCC .6142 and .6144 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.* The Planning Director has interpreted the most appropriate parking requirement would be one parking space for each sheriff responding/working at the site.

There are numerous parking spaces available on the tax lot available for Sheriff employees to park during a response. The typical response by the Sheriff's River Patrol to an in-water event is 1 to 4 vehicles. It is likely that responding sheriffs will park in an existing graveled parking area adjacent to the boat dock where the boathouse will be moored. The graveled parking area is approximately 4,000 sq. ft in size which would be adequate for the 4 vehicle spaces of 9 ft wide by 18 ft long (162 sq. ft).

The Army Corps of Engineers will also maintain a boat within the building. The Corps are a Federal agency and regulation of a Federal use at a Federal installation is exempted from the County Code by Federal law. *This criterion is satisfied.*

### **3.06 MCC 11.15.2268 Access.**

**Any lot in this district shall abut a street, or shall have other access determined by the**

**approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.**

**Staff:** Tax lot 300 fronts the Columbia River. It takes access from an internal roadway maintained by the Army Corps of Engineers. The access drive merges into Interstate - 84 via on & off ramps and also connects to the Historic Columbia River Hwy to the south of the freeway. The Cascade Fire Department has reviewed the proposal and found access to be suitable for their equipment and water supply adequate (Exhibit A.3). Since this roadway is maintained for dam personnel and visitors to Bonneville staff, the access roadway is safe and convenient for pedestrians, and passenger & emergency vehicles. *This criterion is satisfied.*

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

##### **4.01 MCC 11.15.6420 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 boathouse will be moored at an existing dock to the west of the dam's ship locks (Exhibit A.2). A boathouse by necessity must be placed within the river or lake where the boat will be moored. The parking proposed for the community service use is located within an existing graveled parking lot to the east of the boat dock. No vegetation will be disturbed to create a parking area. *This criterion is satisfied.*

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

**Staff:** The existing use of the land is Bonneville Dam. No farm or forest uses occur on the site. Neither of these uses will be disturbed by the proposed community service use. *This criterion is satisfied.*

##### **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:** The Multnomah County Sheriff's Department is proposing to float an existing boathouse to the Bonneville Dam site and moor it at an existing dock. By utilizing existing improvements, the proposed project reduces impacts that would be created by adding a second dock and new parking lot on the site. Existing areas of environmental significance on the project site will not be impacted by the proposed use. *This criterion is satisfied.*

##### **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 location of the parking lot and boathouse will not impact recreational activities in the area. Bonneville Dam has public areas and secured areas. While the dock where the boathouse will be moored is used to stage boats for use of the shipping locks, recreational uses from it are limited for security reasons. The addition of the boathouse will continue to allow the boat staging of the locks. No recreational need or purpose is created by the proposal. *This criterion is satisfied.*



**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 applicant has indicated that the boathouse will be within the Bonneville Lock and Dam restricted area zone. To gain access to this restricted area from land would require a number of security checks. In addition, the boathouse will be monitored by security and locked when access is not required. Access by water is somewhat easier, but you must still enter the restricted area monitored by security and gain access to the locked boathouse. Adequate protection from vandalism and trespass is provided to the maximum extent practicable for the site. *This criterion is satisfied.*

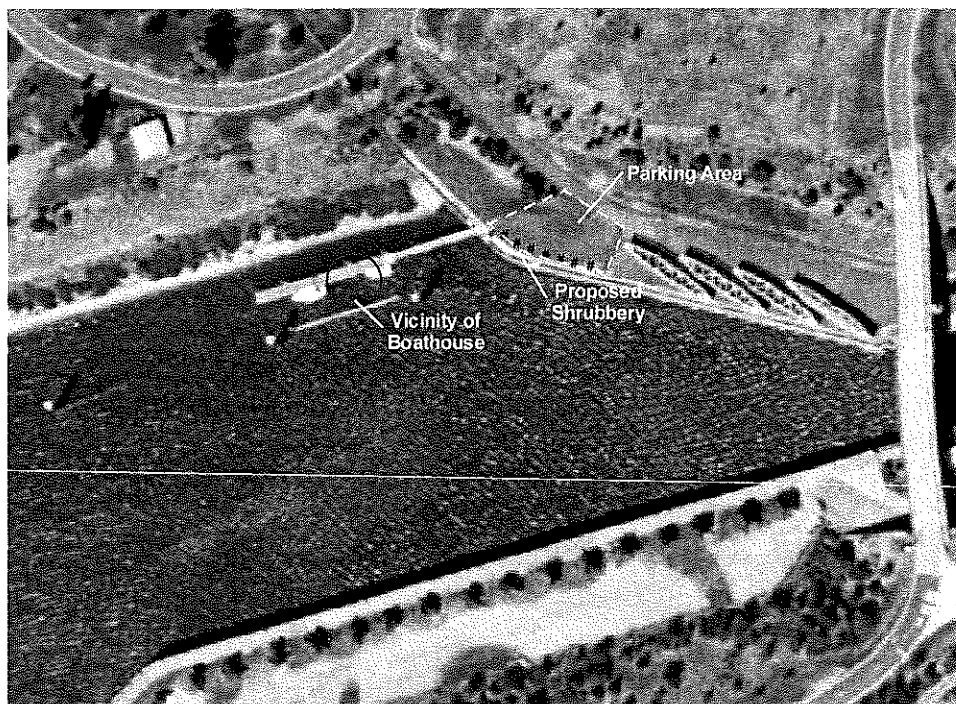
**4.06 (F) Significant fish and wildlife habitats shall be protected.**

**Staff:** The moorage location for the boathouse in an existing dock with pilings. No additional in-water work is required to establish the use. The existing graveled parking lot will not require removal of existing fish or wildlife habitat. The Oregon Department of Fish and Wildlife were given notice of this application. No comments were received as of the date of this staff report. *This criterion is satisfied.*

**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:** Since the boathouse will moor at an existing dock, no riparian vegetation will need to be disturbed for its establishment. The applicant has indicated that the boathouse will reduce bank erosion in the area due to boat wakes. The graveled parking lot also exists so that no vegetation will need to be disturbed. *This criterion is satisfied.*

**Hearings Officer:** The proposed use will not alter the land or river so natural vegetation protection is not required. It is not practicable to enhance natural vegetation in the parking area by adding shrubbery as the parking area is owned by the federal government and adding screening will adversely impact public safety by reducing the visibility of the control house.



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

**Staff:** As part of the Army Corps of Engineers application process, the Corps and the Division of State Lands conducted research to locate any cultural resources in the area. Per the applicant's narrative, none were found in the project area. *This criterion is satisfied.*

- 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:** Since the boathouse will be moored within the Columbia River, it is located within the 100-year floodway, but the boathouse will not increase the area of inundation and does not require a Flood Development permit pursuant to MCC 29.600 et al. The existing graveled parking lot is outside of the 100 year floodplain. No wetlands will be affected by the proposal. *This criterion is satisfied.*

- 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:** No ground disturbance will occur to implement this proposal. *This criterion is satisfied.*

- 4.12 (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:** The project site has been developed with a power-generating dam, power houses, shipping locks and fish migration ladders. The addition of a boat house to store a boat for Multnomah County Sheriff and a boat for the Army Corps will not affect the water quality flowing downstream from the dam. OSHA and DEQ standards will be used to clean up spills of any boat fluids. These standards will also be used during servicing and fueling of the Sheriff boats. By keeping the Sheriff boat in-water, the amount of exhaust generated from responding personnel should be less as vehicles will not have to pull a boat and trailer to the launch site. The location of the boat house is adjacent to the shipping locks with boats and barges coming through the locks on a daily basis. Ambient noise levels will not be increased on a permanent basis, but may occur short term when the boat responds to an emergency. *This criterion is satisfied.*

**Hearings Officer:** The Sheriff's Office could dock a boat in the Columbia River without using a boathouse. I find, on this record, that the risks posed to water quality are primarily related to boats rather than to the boathouse structure.

- 4.13 (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 boathouse will have vertical metal siding with skylights and metal roofing. Presently, it is painted white with white trim. The area surrounding the boat dock consists of a manmade channel of grey rip rap rock, a bank of medium sized bushes, grey concrete riverine landscape setting. No signage has been proposed as part of the application. No lighting details or locations have been submitted as part of the application. Lighting can affect the visual quality of the area at night. Staff recommends a condition of approval be included requiring that any exterior lighting on the boathouse meet "dark sky" requirements. *As conditioned, this criterion is satisfied.*

**Hearings Officer:** Photograph evidence was submitted to show that light colors, including



white, are common in the area of the Bonneville Dam. Boats, also, are often white. Staff suggested that the boathouse be painted a dark color so that it will blend with the surroundings. The Sheriff's Office objected to using a dark color because it will absorb heat and may reach temperatures that will cause damage to electronic equipment stored in the building. Additionally, evidence was received that the existing paint is bonded to the metal by electrostatic painting that occurs when the building is constructed. After-construction painting would add paint on top of the factory finish and would be much more likely to chip and fall into the river. In addition, painting the structure on or near the river creates a risk of environmental harm that can be delayed until the boathouse needs to be painted to protect the integrity of the structure.

Staff suggested that a condition of approval be imposed to allow the boathouse to remain white until it is repainted. When painting is needed, a light, natural color such as light gray would be allowed. This will help prevent the structure from absorbing too much heat and will allow the Sheriff's Office to delay painting and its attendant risks to water and air quality until needed. The Sheriff's Office agreed to this condition of approval. The Hearings Officer believes that the Sheriff's Office proved that a light, white building will be compatible with the character and quality of the SEC area but will require a more natural color when repainting occurs as the Sheriff's Office agreed to the imposition of the condition. Additionally, a more natural color is more compatible than is white.

- 4.14 (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 proposed moorage area is an existing boat dock with existing pilings near the shipping locks. The area is not pristine, but a mix of concrete, wood, and water. No vegetation exists at the proposed location of the boathouse. No significant changes will occur to effect the state of the area. *This criterion is satisfied.*

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

***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.*

**Staff:** The Cascade Locks Fire District has indicated that there is adequate water pressure and flow for fire fighting purposes (Exhibit A.3). Multnomah County Sheriff Department has indicated that there is service available to serve the project (Exhibit A.4). *Comprehensive Plan Policy 38 is satisfied.*

## **5.00 Design Review Criteria**

### **5.01 MCC 11.15.7850 Design Review Criteria**

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

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

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

**Staff:** The location of the boathouse is within the man-made channel leading to the locks at Bonneville Dam (Exhibit A.2). The area is a mixture of river water, rip-rap, concrete, metal ramps and medium sized shrubs. The County Sheriff's Department indicates that the boathouse has vertical metal siding and roofing. It is painted white with white trim. Skylights are installed in the roof. Planning staff is uncertain that white metal siding and roofing is the best color for the structure. Typically in a landscape setting as such, we would advise dark earth tones such as a very dark grey or dark brown to create a shadow effect in a viewers mind. Studies completed as part of the National Scenic Area and other sensitive areas have found very dark earth tones allow large structures to blend in a landscape setting better than lighter colors even in with a background that are lighter colors (Exhibit B.4). Planning staff recommends that the hearings officer condition that the boathouse be painted a dark earthtone of a shade found within the surrounding shadows found on the subject site.

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

**Staff:** The applicant has indicated that the boathouse includes skylights to reduce the need for electrical lighting and its doors and windows contain double pane high efficiency materials. The boathouse will allow the Sheriff's Department to store its river patrol's boat ready for emergency response in the water and protected from adverse climatic conditions, noise and air pollution. *This criterion is satisfied.*

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

**Staff:** The boathouse will store the County Sheriff's river patrol boat, equipment, army corps boat and equipment. The size of the boathouse efficiently served its function and is on a human scale compared to the Bonneville Dam. *This criterion is satisfied.*

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

**Staff:** The Sheriff Department has used boathouses to secure their equipment and boats at other locations and find that boathouses provide a safe environment. Privacy issues are minimal at this location and for the type of use proposed. The confines of a boathouse should identify for most individuals that the structure is a private space and is not open to the public. The Bonneville Dam is a federal installation controlled by the Bonneville Power Administration and has on-site security. *This criterion is satisfied.*

#### **5.05 (3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for**

**wheelchairs and braille signs.**

**Staff:** The existing dock, ramp and parking area are accessible to the handicap. The level of handicap access is appropriate based public access to the building is restricted. The building is not open to the public. *This criterion is satisfied.*

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

**Staff:** The areas to be used for the boathouse, dock, pilings, ramp and parking area are currently developed with the physical improvements necessary for the proposed use. No grading or vegetation removal is necessary to establish the use on the site. *This criterion is satisfied.*

- 5.07**                   **(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:** Access from the local roadway system is limited to one, two lane drive. The circulation pattern is established and provides separation between parked vehicles and drive aisles. The parking area is immediately east of the ramp to the dock and pedestrian do not have to cross the drive aisle for access. *This criterion is satisfied.*

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

**Staff:** The location of the project is an island in the Columbia River connected to the locks and Bonneville Dam. The parking area is existing and so is the dock. The movement of the boathouse to the site will not increase run-off from the site as it will be located in the river and will not redirect the rainwater to an upland area. *This criterion is satisfied.*

- 5.09**                   **(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 boathouse will be used to store the Sheriff's equipment. It will be self contained for security reasons. No mail will be received at the site. The utilities will be routed under the dock or on the side of the walkway out of the sight of the public. The location of the existing parking area is in an area of concrete and gravel. The parking of Sheriff vehicles on an emergency basis will not create adverse impacts that do not exist from the existing parking lot. *This criterion is satisfied.*

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

**Staff:** The location of the boathouse on the Columbia River requires that the utilities be located above ground and run on the dock facility to land. The utility installation should be painted to match the dock to help reduce its visibility. A condition of approval has been recommended. *As conditioned, this criterion is satisfied.*

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

**Staff:** No signage is proposed.

**5.12 MCC 11.15.7855 Required Minimum Standards**

**(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:** Based upon the findings under Section 3.05, the proposed use requires four parking spaces. These spaces are provided adjacent to the dock on dry land. Since the required number of parking spaces is less than 10 parking spaces, no landscaping is required within the existing parking lot. The area immediately north of the parking area is landscaped with a mixture of shrubs and grass. Across the drive aisle to the northeast is also a landscaped area. These two areas greatly exceed the areas involved in the proposed boathouse, related facilities and parking lot and exceed the requirement of 15% of the area being landscaped. The parking area is adjacent to a side channel of the Columbia River. No landscape strip is required between the channel and the parking area. *These criteria are satisfied.*

## **6.00 Community Service Criteria**

### **6.01 11.15.7015 Approval Criteria**

**In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC .7035, and except for regional sanitary landfills which shall comply with MCC .7045 through .7070.**

#### **(A) Is consistent with the character of the area;**

**Staff:** The proposed boathouse is to be located at the Bonneville Dam complex. The facility consists of the dam, power houses, locks and related buildings and facilities. The site is industrial in nature producing power to electrify the Northwest. The locks allow barges, ships and boats to travel pass the dam. To the south of the facility are Bonneville State Park and fish hatchery and Interstate 84. The character of the area is very river oriented as expected with these types of land uses. The boathouse will be used to house the Sheriff River Patrol boat and equipment and Army Corps boat. These boats serve the public using the Columbia River and other water-related facilities. The boathouse and its related water related services fit with the character of the water oriented facilities surrounding it. *This criterion is satisfied.*

#### **6.02 (B) Will not adversely affect natural resources;**

**Staff:** The natural resource in the area is water. The proposed boathouse will be located on the Columbia River. The boathouse will not have restroom facilities. Restroom facilities will be used on land when necessary. There is the possibility of oil or fuel spills from the engine(s) on the boats. The Sheriff has indicated that they follow OSHA standards when dealing with hazardous fluid spills associated with the boats. The Oregon Department of Fish and Wildlife received notice of this public hearing. As of the date of this staff report, no comments have been received of a possible negative effect from the approval of the proposed boat house.

**Hearings Officer:** I find that the risk of oil or fuel spills is attributable to boats and that this risk exists in the location of the boat dock/subject property whether or not the boathouse is used to store the boats. As a result, I find that the boathouse will not adversely affect natural resources.

#### **6.03 (C) Will not conflict with farm or forest uses in the area;**

**Staff:** The location of the boathouse is within a side channel of the Columbia River leading to the locks. No farm or forest uses exist in the area. While there is a fish hatchery downriver of

the project location, the use is run by the State and does not qualify as aquaculture as their purpose is not to raise fish for profit. *This criterion is satisfied.*

**6.04 (D) Will not require public services other than those existing or programmed for the area;**

**Staff:** The proposed use is to increase the emergency response time for the Sheriff River Patrol. The Sheriff Department and the Cascade Locks Fire District has indicated that they have adequate facilities to serve the proposed government use. Staff has not identified any public service that is inadequate to serve the proposed use. *This criterion is satisfied.*

**6.05 (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;**

**Staff:** The subject site is located outside of the Tanner Creek Big Game Winter Habitat (Exhibit B.1). *This criterion is satisfied.*

**6.06 (F) Will not create hazardous conditions; and**

**Staff:** The only hazardous condition, planning staff has identified is possible petroleum or chemical spill. The Sheriff's River Patrol has indicated that they are trained to OSHA spill protocols and have the appropriate equipment to handle these type of situations. In addition, they perform regular maintenance to ensure their equipment is in good operating condition so no leaks occur. It appears that the Sheriff's River Patrol is adequately trained to mitigate these hazardous conditions. *This criterion is satisfied.*

**Hearings Officer:** I find that the risk of oil or fuel spills is attributable to boats and that this risk exists in the location of the boat dock/subject property whether or not the boathouse is used to store the boats. As a result, I find that the boathouse will not create hazardous conditions.

**6.07 (G) Will satisfy the applicable policies of the Comprehensive Plan.**

**Staff:** See staff findings above under Section 4.15. *This criterion is satisfied.*

**6.08 (H) Will satisfy such other applicable approval criteria as are stated in this Section.**

**Staff:** Planning staff has identified the additional approval criteria listed in Sections 6.09, 6.10 and 6.11. *This criterion is satisfied.*

**6.09 MCC 11.15.7025 Restrictions**

**A building or use approved under MCC .7020 through .7030 shall meet the following requirements:**

**(A) Minimum yards in EFU, CFU, F-2, MUA-20, MUF, RR, RC, UF-20, UF-10, LR-40, LR-30, LR-20, LR-10, R-40, R-30, R-20, and R-10 Districts:**

**(1) Front yards shall be 30 feet.**

**(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.**

**(3) Rear yards shall be as required in the district.**

**Staff:** The proposed boathouse is located within the channel of the Columbia River near the shipping locks. It is setback from the River's shoreline adjacent to Interstate – 84 by approximately 300 feet. *This criterion is satisfied.*

**6.10 (E) Off-street parking and loading shall be provided as required in MCC .6100 through .6148.**



**Staff:** The proposed government use requires 4 parking spaces. These four spaces are available in an existing parking area adjacent to the dock where the boathouse will be located. *The criterion is satisfied.*

**6.11 (F) Signs for Community Service Uses located in districts in MCC .2002 - .2966 pursuant to the provisions of MCC .7902 - .7982.**

**Staff:** No sign is proposed.

**7.00 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Community Service Conditional Use, Significant Environmental Concern and Design Review application to establish a government building in the Rural Center zone. This approval is subject to the conditions of approval established in this report.

<b>8.00</b>	<b>Exhibits</b>
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'A' Applicant's Exhibits

'B' Staff Exhibits

'C' Procedural Exhibits

'H' Hearing and Post-Hearing Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	5/26/2010
A.2	13	Narrative	5/26/2010
A.3	1	Fire District Review	5/26/2010
A.4	1	Police Services Review	5/26/2010
A.5	2	Letter from the Dept of the Army	5/26/2010
'B'	#	Staff Exhibits	Date
B.1	1	Big Game Wildlife Habitat Map	No Date
B.2	1	Slope Hazard Map for Bonneville Dam	No Date
B.3	4	Recommended Color Chart	No Date
'C'	#	Administration & Procedures	Date
C.1	3	Public Hearing Notice	7/30/2010
C.2	14	Staff Report	8/10/2010
'H'	#	Hearing and Post-Hearing Exhibits	Date
H.1	1	Photograph of Boat Dock / Subject Property	8/20/2010
H.2	1	Bonneville Lock and Dam publication by US Army Corp of Engineers	8/20/2010
H.3	1	Photograph of Columbia River with fishing boats	8/20/2010
H.4	1	Photograph of nearby river area with fishing boats	8/20/2010
H.5	1	August 12, 2010 email from Mark W. Herron to Lisa Estrin	8/20/2010
H.6	3	Color photographs of boathouse	8/20/2010
H.7	5	Surrounding Buildings at Bonneville Dam Complex	8/24/2010