

**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>

## Notice of Board of County Commissioners Decision

Attached please find notice of the Board of County Commissioners' decision in the matter of **T4-08-001**. Also attached is the Board Ordinance and Order. The Board signed and adopted the Ordinance on February 4, 2010, approving the amendment of the Multnomah County Sauvie Island/Multnomah Channel Rural Area Plan Map adopted by Ordinance 887 to note the Exceptions to the statewide planning goals 11 and 14 to increase the number of floating homes at Rocky Pointe Marina. Exhibits and the project file are 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. For further information on this case, contact Joanna Valencia, Staff Planner at 503-988-3043, ext. 29637 or via email at [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us).

This notice is being mailed to those persons entitled to receive notice under MCC 37.0660(D).

The Board of County Commissioners' Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date the decision is signed by the Chair by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record. **Appeal instructions and forms are available from the Land Use Board of Appeals at 550 Capitol Street NE, Suite 235, Salem, OR 97301; 503-373-1265 (<http://luba.state.or.us/>).**

For further information call the Multnomah County Land Use Planning Division at 503-988-3043.

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# NOTICE OF DECISION

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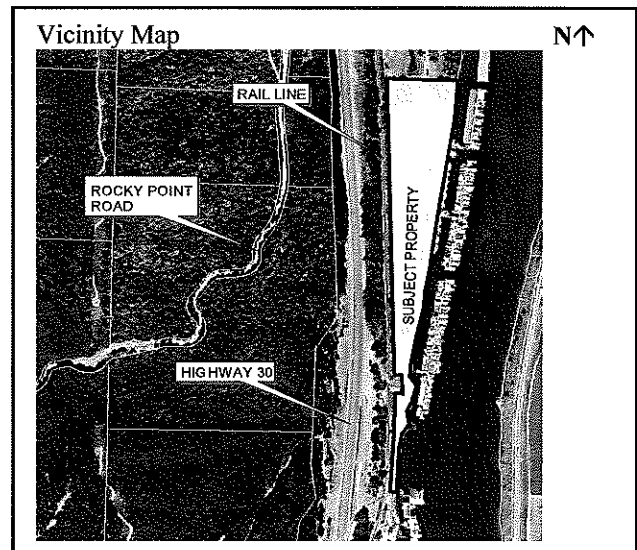
This notice concerns a Board of County Commissioners on the land use case(s) cited and described below.

**Case File:** T4-08-001

**Applicant:** Peter Finley Fry, AICP, Ph.D.  
2153 SW Main #105  
Portland, OR 97205

**Owner:** (Upland Area)  
Stanley & Jeniece Tonneson  
23586 NW St. Helens SP U7  
Portland, OR 97231

(In-Water Area)  
State of Oregon



**Location:** Rocky Pointe Marina is a 16.22-acre parcel at 23586 NW St. Helens Road adjacent to the Multnomah Channel, 1.2-miles south of the Multnomah County/Columbia County line. The property is accessed on the west side by Lower Rocky Point Road which terminates at Highway 30.

The 16.22-acre parcel includes the following two tax lots:

Township 3 North, Range 2 West, Section 36A – Tax Lot 400 (Account # R982360300)

Township 3 North, Range 2 West, Section 36D – Tax Lot 100 (Account# R982360080)

**Base Zone:** Multiple Use Agriculture-20

**Overlays:** 100-year floodplain, the Willamette River Greenway and wetlands designated on the National Wetlands Inventory

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**Decision:** Board approval of the requested exceptions to Statewide Planning Goals 11 and 14, and denial of the Special Plan Area zone change request to expand the Rocky Pointe Marina. This approval also amends the Multnomah County Sauvie Island/Multnomah Channel Rural Area Plan Map adopted by Ordinance 887 to note the Exceptions to the statewide planning goals 11 and 14.

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**Opportunity to Review the Record:** A copy of the 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. For further information on this case, contact Joanna Valencia, Staff Planner at 503-988-3043, ext. 29637 or via email at [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us).

**Opportunity to Appeal:** The Board of County Commissioners' Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date the decision is signed by the Chair by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record. **Appeal instructions and forms are available from the Land Use Board of Appeals at 550 Capitol Street NE, Suite 235, Salem, OR 97301; 503-373-1265 (<http://luba.state.or.us/>).** 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.

**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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1153**

Amending the Sauvie Island/Multnomah Channel Rural Area Plan Map to Note Exceptions to State Land Use Goals

**The Multnomah County Board of Commissioners Finds:**

- a. On April 6, 2009, the Multnomah County Planning Commission conducted a public hearing as provided for in Multnomah County Code § 37.0530, with respect to requests for exceptions to Statewide Planning Goals 11 and 14 to increase the number of floating homes at Rocky Pointe Marina and for a Special Plan Area zone change to exceed the residential density limit of one floating home per fifty feet of waterfront in the Rocky Pointe Marina (File # T4-08-001). This meeting was continued and concluded on May 4, 2009.
- b. By Resolution T4-08-001 attached as **Exhibit A** and adopted on October 19, 2009, the Planning Commission recommended approval of the requested exceptions to Statewide Planning Goals 11 and 14 and denial of the Special Plan Area zone change based on the findings in the T4-08-001 Staff Report. The property is described and depicted on the Vicinity Map in the Staff Report.
- c. On January 21, 2010, the Multnomah County Board of Commissioners took testimony and on January 28, 2010, conducted a public hearing as provided for in Multnomah County Code § 37.0530, with respect to requests for exceptions to Statewide Planning goals 11 and 14 to increase the number of floating homes at Rocky Pointe Marina and for a Special Plan Area zone change to exceed the residential density limit of one floating home per fifty feet of waterfront in the Rocky Pointe Marina.
- d. On January 28, 2010, the Multnomah County Board of Commissioners adopted an Order Approving the Application for Exceptions to Statewide Planning Goals 11 and 14 and Denying the Special Plan Area Zone Change Request at Rocky Pointe Marina, attached as **Exhibit C** (File # T4-08-001).
- e. The Comprehensive Plan Map designation of the property was last amended in Ordinance 887 as part of the Sauvie Island/Multnomah Channel Rural Area Plan that was adopted in October of 1997.

**Multnomah County Ordains as follows:**

**Section 1.** Based upon the findings in the T4-08-001 Staff Report, which is incorporated herein by reference, the Multnomah County Sauvie Island/Multnomah Channel Rural Area Plan Map (Map) adopted by Ordinance 887 is amended to note the Exceptions to statewide planning goals to increase the number of floating homes at Rocky Pointe Marina as shown on the Map attached as **Exhibit B**. This approval is contingent upon Rocky Pointe Marina meeting the conditions of the approvals set out in the T4-08-001 Staff Report.

**Section 2.** This comprehensive plan amendment of the Sauvie Island/Multnomah Channel Rural Area Plan Map to note exceptions to Statewide Land Use Goals 11 and 14 is effective when the Order Approving the Application for Exceptions to Statewide Planning Goals 11 and 14 and Denying the Special Plan Area Zone Change Request at Rocky Pointe Marina, **Exhibit C**, is final, but not earlier than March 6, 2010.

FIRST READING:

January 28, 2010

SECOND READING AND ADOPTION:

February 4, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

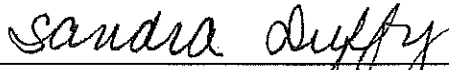
  

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By



Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. T4-08-001**

Recommend to the Board of County Commissioners approval of a request for exception to Statewide Planning Goals 11 and 14 to increase the number of floating homes at the Rocky Pointe Marina.

Recommend to the Board of County Commissioners denial of a Special Plan Area zone change request to exceed the residential density limit of one floating home per fifty feet of waterfront in the Rocky Pointe Marina.

**The Planning Commission Finds:**

- a. The Planning Commission is authorized by Multnomah County Code, MCC 37.0540(D) and by ORS 215.110 to recommend to the Board of County Commissioners actions that amend the Multnomah County Comprehensive Plan. The requests described below qualify as a Type IV quasi-judicial land use review, which must be heard by the County's Planning Commission who then forward a recommendation to the Board of County Commissioners (MCC 37.0530(D)).
- b. The County's Multiple Use Agriculture-20 zoning district limits residential development to no more than one dwelling per parcel (Multnomah County Code, MCC 34.2820(C)).
- c. This standard aligns with state wide planning Goal 14 (Urbanization) and Goal 11 (Public Facilities and Services) designed to prevent urbanization of rural lands outside of a City's Urban Growth Boundary.
- d. Owners of the Rocky Pointe Marina (23586 NW Saint Helens Road) have requested exceptions to statewide planning Goals 14 and 11 to add 36 additional floating homes to the existing marina in which 40 floating homes are currently allowed. A Special Plan Area zone change has also been requested by the owners to expand the Rocky Pointe Marina beyond the one floating dwelling per fifty feet of waterfront frontage residential density limitation captured in the County's Conditional Use regulations (MCC 34.6755).
- e. The Planning Commission is recommending the Board of County Commissioners approve the request for exceptions to Statewide Planning Goals 11 and 14 to increase the number of floating homes at the Rocky Pointe Marina. Justification for Goal Exception approval is outlined in the staff report labeled Exhibit A.
- f. The Planning Commission recommends that the Board of County Commissioners deny the Special Plan Area Zone Change request. The Planning Commission finds the Special Plan Area regulations should not be used to consider a request to exceed the one dwelling per 50 feet of waterfront density threshold and that the applicant had not demonstrated the Special Plan Area guidelines were met.

g. Notice of the Planning Commission hearing was published in the 'Oregonian' newspaper and on the County's Land Use Program web site. The Planning Commission held a public hearing on April 6<sup>th</sup>, 2009 where all interested persons were given an opportunity to appear and be heard. This initial hearing was continued and concluded on May 4<sup>th</sup>, 2009.

Findings for the Goal Exception approval and Special Plan Area Zone Change denial are contained in the staff report labeled Exhibit A.

**The Planning Commission Resolves:**

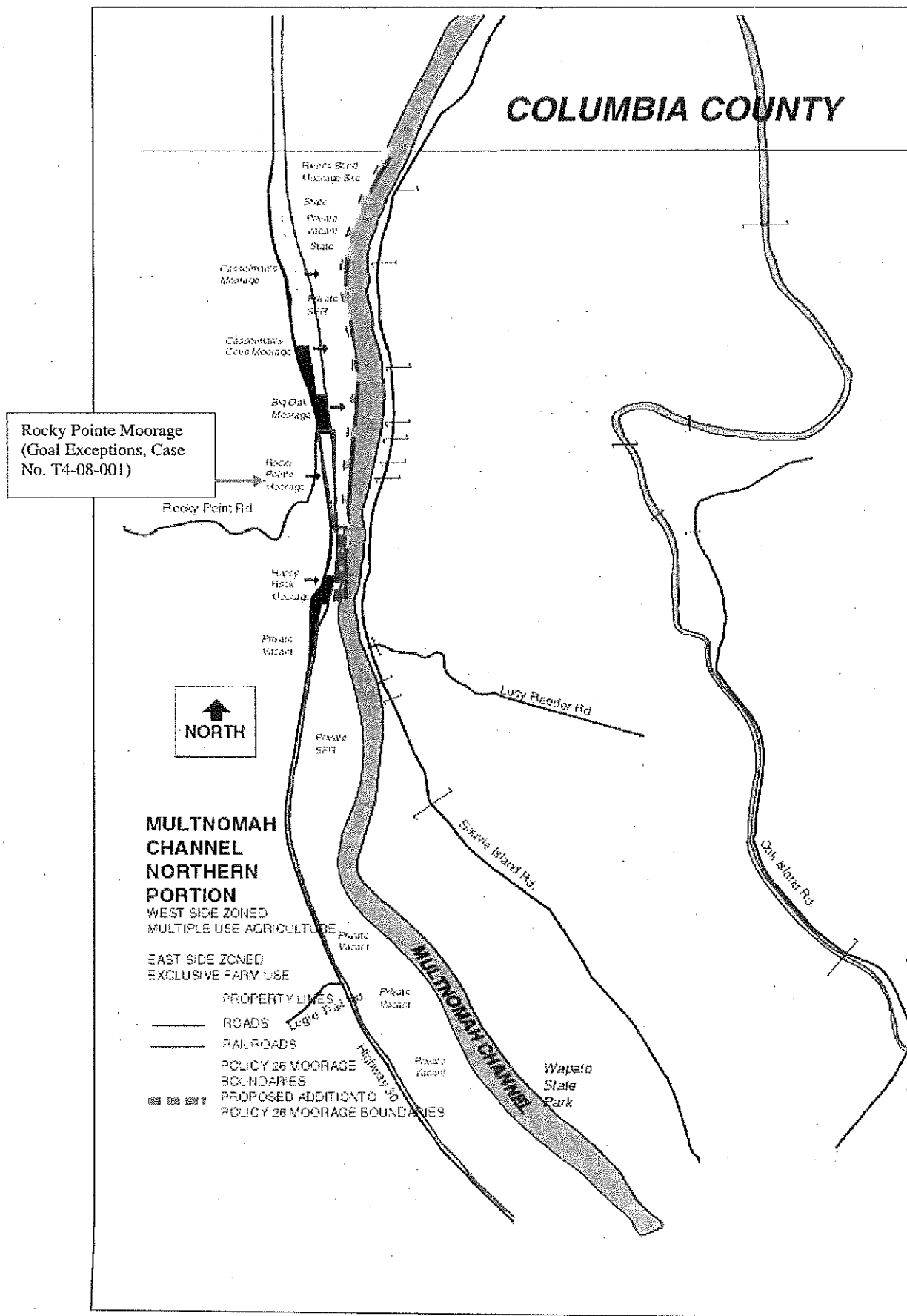
That this resolution, supported by the findings in the staff report (attached as Exhibit A), and in association with the plans delineating the requested exception areas in Exhibit B, are hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 19 day of October, 2009.

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

  
John Ingle, Chair

## Exhibit B







## EXHIBIT C

### BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

#### ORDER NO. 2010-015

Approving Application for Exceptions to Statewide Planning Goals and Denying Special Plan Area Zone Change Request at Rocky Point Marina, Case No. T4-08-001

#### The Multnomah County Board of Commissioners Finds:

- a. On October 19, 2009, with respect to T4-08-001, the Planning Commission recommended approval of the requested exceptions to Statewide Planning Goals 11 and 14 and denial of the Special Plan Area zone change at Rocky Point Marina.
- b. On January 21 and 28, 2010, the Multnomah County Board of Commissioners noticed and held public hearings regarding the T4-08-001 application and Planning Commission's recommendations.

#### The Multnomah County Board of Commissioners Orders:

1. The Board approves the T4-08-001 requested exceptions to Statewide Planning Goals 11 and 14 contingent upon Rocky Point Marina meeting the conditions of the approvals set out in the T4-08-001 Staff Report.
2. The T4-08-001 Special Plan Area zone change request to exceed the residential density limit in the county code of one floating home per fifty feet of waterfront property is denied.
3. The findings and conclusions contained in the T4-08-001 Staff Report are affirmed and adopted by reference.

ADOPTED this 28th day of January 2010.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

Dated: January 28, 2010

#### REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy  
Sandra N. Duffy, Assistant County Attorney

#### SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

