



**DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND USE PLANNING DIVISION**

**1600 SE 190<sup>TH</sup> Avenue  
Portland, OR 97233  
(503) 248-3043 FAX: (503) 248-3389**

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**NOTICE OF DECISION**

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**DESIGN REVIEW**

**Case File No.: DR 3-99**

**August 31, 1999**

**Proposal:** Application for a Design Review (DR) permit for the subject parcel to construct a parking lot, a driveway, and meet landscaping requirements. The applicant proposes to move the location of the access driveway from NW Marina Way to the site. The applicant is required to raise the level of the parking lot and driveway pursuant to the Conditions of Approval from the Hearings Officer Decision issued December 3, 1998 for CS 1-98/ CU 6-98/ WRG 2-98. A related case, GEC 23-99, is on file with Multnomah County Land Use Planning and the decision for the GEC permit will be issued separately from the Design Review application.

**Location:** 12940, 12902, 12900 NW Marina Way  
Tax Lot 51, Section 28, T2N, R1W.  
Tax Lots 16, 24, and 30, Section 33, T2N, R1W, WM.  
R#97128-0510, R#97133-0160, R97133-0240, R#97133-0300.

**Applicant:** Kevin Brady  
Fulcrum Consulting  
3463 SW Alice  
Portland, OR 97219

**Property Owner:** Michael and Pamela Yerger  
4909 Willamette Drive  
Vancouver, WA 98661

**Zoning:** Multiple Use Agriculture (MUA); Willamette River Greenway (WRG).

**Planning Director's Decision:**

**Approved with Conditions**, for the request for Design Review approval for the existing Lucky Landing Marina. The applicant's proposal is to meet driveway, parking lot, and landscape standards pursuant to the Hearings Officer Decision issued December 3, 1998 for CS 1-98/ CU 6-98/ WRG 2-98. The applicant's proposal is outlined herein.

**APPROVAL CRITERIA:** The applicable approval Criteria for this decision include the following Multnomah County Code (MCC): MCC 11.15.2112 - .2150, Multiple Use Agriculture (MUA-20); MCC 11.15.6100 - .6148, Off-Street Parking and Loading (OP); and MCC 11.15.7805 - .7870, Design Review (DR).

**LIMITATIONS/ SCOPE OF APPROVAL:**

1. The applicant shall install a **sedimentation manhole with sump** as shown in the Standard Details sheet attached to this decision document as Exhibit #1. The applicant or property owner shall provide proof of installation of the sedimentation manhole within one (1) month of completion of the project work outlined by **GEC 23-99** and **DR 3-99**.
2. The applicant site plan illustrates twelve (12) parking spaces for the site. In accordance with the parking standards found in Section .6142 (D) (10) and (D) (11), fifteen (15) parking spaces are required. Please see Section .6142 for the calculation of parking spaces for the site. The applicant shall install the required number of parking spaces for the site.
3. Prior to work occurring on the site for the construction of the parking lot and driveway, the applicant shall **install erosion control measures**. The applicant shall maintain Best Erosion Control Practices through all phases of development. The applicant shall contact Staff, Tricia R. Sears, at (503)-248-3043 for a **site inspection** upon installation of the erosion control measures. Or the applicant may submit photos to Staff that document the erosion control measures have been installed.
4. Replanting and/ or reseeding of all other areas disturbed by this project shall occur within **one (1) month** of completion of the proposed work. The applicant shall the Multnomah County Land Use Planning Division at (503)-248-3043 for a site inspection. The site inspection will include review of the site for compliance with parking standards (dimensional requirements, surface materials etc).
5. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved. The applicant shall comply with the conditions set forth in **DR 3-99** and **GEC 23-99**, except as may be modified by this decision.
6. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been **paid in full**.
7. All work approved under this decision, **DR 3-99**, and **GEC 23-99**, shall be completed within 18 months from the date of this approval, August 31, 1999, as established pursuant to MCC 11.15.7870. The applicant or property owner may submit a written request to the Planning Director for a six month extension. The Director's decision may be appealed as provided in MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

For Your Information:

**DR 3-99**  
**Decision Mailed: August 31, 1999**

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**Staff Planner: Tricia R. Sears**  
**Phone: (503) 248-3043**

The site plan has been reviewed by Alan Young of the Multnomah County Right-of-Way Division. Mr. Young states that NW Marina Way is part of the State of Oregon owned right-of-way. Thus, the applicant should contact Gary Hunt at the Oregon Department of Transportation (ODOT) at (503)-653-3086 for information regarding the alteration of the access to NW Marina Way.

## **Summary**

### **Applicant:**

The owners/ applicants hereby request approval of Design Review and a Grading and Erosion Control Permit. The Conditional Use Permit, Willamette River Greenway Review and Community Service Use Permit for the existing boat moorage on the subject property have been approved through CS 1-98, CU 6-98, and WRG 2-98, pursuant to the criteria of MCC 11.15.7120 et. seq., MCC 11.15.7505 et. seq., MCC 11.15.7510 et. seq., MCC 11.15.6376 and MCC 11.15.6350 et. seq., as well as Comprehensive Plan Policies #10 and #24. Pursuant to MCC 11.15.6366, the decision on the Greenway Review and Conditional Use applications were made by the Hearings Officer in conjunction with the decision on the Community Service Use Permit.

Upon final approval, the applicant is required to submit an application pursuant to the approval criteria for Final Design Review, MCC 11.15.7850 and Grading and Erosion Control Permit standards, MCC 11.29.305. The following narrative addresses these listed criteria.

The subject property is located northeast of NW Marina Way, and is situated between Marina Way and the Multnomah Channel. The property has an address of 129440 NW Marina Way, Portland, Oregon and is located just outside the city limits in unincorporated Multnomah County (see vicinity maps).

The property consists of Tax Lot 51 an irregular-shaped parcel with approximately 460' of frontage along Multnomah Channel and 240' of frontage along NW Marina Way. The north (westerly) property line is approximately 358' and the south (easterly) property line, abutting Tax Lot 24 is approximately 514'. The site also includes Tax Lots 30 and 16, which are very small parcels adjacent to Tax Lots 24 and 51.

In addition to this upland area, there is a State waterway lease with the Division of State Lands of the State of Oregon for submerged and submersible lands. A portion of the property is located within areas of the 100-year and 500-year floods and a portion of the property is located within a wetlands area which cannot be developed. The improvements on the site are accessed by a graveled driveway ending in a small parking lot (see grading plan).

(Footnote) Lease ML-804, commenced December 1, 1986, expired November 30, 1996. A condition of renewal of the lease is satisfaction of County Land Use Planning policies and procedures. The previous owner of the subject property did not go through the proper permitting procedure, hence these applications.

Some modifications are proposed by the owner, such as grading, paving, and landscaping. These improvements are indicated on the grading and landscape plans and are also addressed in this narrative.

The existing moorage is located on the submerged and submersible land leased area. The floating moorage consists of a 3' x 75' metal access ramp, a 10' x 20' wood ramp float, wood pilings, and

wood float walks approximately 8' x 500'. The wooden walkway runs parallel with the shoreline with only two separate perpendicular wood fingers.

In addition, the development provides moorage for boat garages and "combos" (combination of living unit and boat garage). As indicated in the site plan, there are a total of 14 existing structures connected to the wood float dock and pilings. Numbers 2, 3, 5, 8, and 12 are "combos" for a total of 5 "combos". Numbers 1, 4, 6, 9, 10, 11, 13, and 14 are boat garages for a total of 8 boat garages. Number 7 is a barge used for both a home office for the owner as well as a repair shop for moorage maintenance purposes. Electricity, sewer and water are available to the base of the dock (see site plan). Aside from the boat moorages, there are no other commercial types of activity on the site. Modifications to the site include new parking and landscaping, as well as a recently installed sewer drainage field and trash enclosure area.

### **Staff:**

The applicant and property owner received approval for the Conditional Use permit, CU 6-98, the Willamette River Greenway, WRG 2-98, and the Community Service use, CS 1-98, under the Hearings Officer Decision issued December 3, 1998 for CS 1-98/ CU 6-98/ WRG 2-98.

The current application, DR 3-99, contains the MUA-20 criteria and the Design Review criteria. The previous applications include the WRG and Flood Hazard criteria. The Grading and Erosion Control permit, GEC 23-99, will be issued as a separate decision.

The Design Review case, DR 3-99, and the Grading and Erosion Control case, GEC 23-99, were deemed incomplete on June 11, 1999. The two cases were deemed complete on August 24, 1999 (when the last item of incompleteness was submitted to Multnomah County from the applicant).

### **List of Exhibits:**

- 1) Sedimentation Manhole with Sump.
- 2) A copy of a portion of the applicant's site plan (no reduced copy was submitted).

## **Multnomah County Code**

### **Multiple Use Agriculture (MUA-20)**

#### **11.15.2126 Uses**

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.**

#### **11.15.2132 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;**

*[Amended 1982, Ord. 330 § 2]*

- (B) The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:**

\* \* \*

**(9) Houseboats and Houseboat Moorages.**

*[Added 1983, Ord. 402 § 17]*

\* \* \*

**Staff:** The zoning of the subject parcel is MUA-20. Under the MUA-20 Code provisions, as noted above, Section .2132 (B)(9) lists houseboats and houseboat moorages as a Conditional Use. As noted above, Section .2132 (B) establishes as permitted, Community Services as provided for in Section .7005 - .7041. In Section .7020 (A)(1), the Community Service Code provisions, "boat moorage, marina, or boathouse moorage" is listed as a use. Section .7505 includes definitions for houseboats and moorages. A houseboat, "shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility." A houseboat moorage, "shall mean the provision of facilities for two or more houseboats." Thus, the applicant is required to obtain Community Service approval and Conditional Use approval. The Hearings Officer issued her decision on December 3, 1998 for CS 1-98/ CU 6-98/ WRG 2-98 and granted approval for the Community Service, Conditional Use and Willamette River Greenway applications.

**11.15.2138 Dimensional Requirements**

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.**

**Staff:** None of the four subject parcels of the application of the Lucky Landing Marina meet the minimum lot size of 20 acres for the MUA-20 zoning designation. The four (4) parcels are on Map 2N, 1W:

<b>R#</b>	<b>Tax Lot #</b>	<b>Section #</b>	<b># Acres</b>	<b>Address</b>
R97128-0510	Tax Lot 51	Section 28	2.82 acres	12940 NW Marina Way
R97133-0240	Tax Lot 24	Section 28	6.38 acres	12900 NW Marina Way
R97133-0300	Tax Lot 30	Section 33	0.64 acres	12900 NW Marina Way
R97133-0160	Tax Lot 16	Section 33	1.43 acres	12902 NW Marina Way

The parcels are considered Lots of Record in accordance with Section .2142. Multnomah County Sectional Zoning Maps from September 1977 indicate the parcels were established in their current size and configuration by that date. See also Staff comments under Section .2142.

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

- (C) Minimum Yard Dimensions - Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

*[Amended 1984, Ord. 428 § 2]*

**Staff:** The site plan shows the moorage site. Setback requirements have been met as required by the Code. A reduced copy of the site plan was not submitted and is hence not attached as an exhibit in this decision. The application meets the criterion.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**
- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

**Staff:** The applicant narrative from CS 1-98/ CU 6-98/ WRG 2-98 stated, "Modifications to the site include new parking and landscaping, as well as a recently installed sewer drainage field and trash enclosure" were part of the proposed changes to the site. Under the CS/ CU/ WRG cases, the applicant also stated that some site modifications may be required under Conditions of Approval for the submitted land use applications and for the forthcoming Design Review application. The applicant has submitted for the Design Review application, DR 3-99, (this decision document) and a site plan identifies the proposed alterations for parking, landscaping, and grading to meet the Conditions of Approval from the Hearings Officer's December 3, 1998 decision. The trash enclosures and the drainage field will not exceed the height limitations of the MUA-20 zone. The applicant has submitted a narrative response to the Design Review criteria and has provided a site plan. The application meets the criterion.

- (F) *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]***

#### **11.15.2142 Lot of Record**

- (A) For the purposes of this district, a Lot of Record is a parcel of land 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 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 .2140, .2144, .6256 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 minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

**Staff:** For the applications for Lucky Landing Marina, the subject parcels of the Design Review, DR 3-99, and Grading and Erosion Control permit, GEC 23-99, are considered Lots of Record. As described in Section .2138 (A), all four parcels are less than the required minimum lot size of the MUA-20 zone. The current size and configuration of

the parcels was established prior to October 6, 1977, according to Multnomah County Sectional Zoning Maps (pages 70 and 85), dated September 1977.

#### **11.15.2146 Off-Street Parking and Loading (OP)**

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

**Staff:** The OP provisions are implemented through the Design Review application process. The property owners have submitted a Design Review application, DR 3-99, as required under Section .7125 in the Staff response of the decision for CS 1-98/CU 6-98/ WRG 2-98 and as also required by Condition of Approval #2 of that same decision. The applicant has provided a detailed site plan to address much of the Design Review and Grading and Erosion Control criteria. The applicant provided a narrative response to the Design Review criteria but not to the Off-Street Parking and Loading criteria. A Condition of Approval has been established for the required number of on-site parking spaces. The application meets the criterion.

#### **11.15.2148 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 for passenger and emergency vehicles.**

**Staff:** The subject properties of the Lucky Landing Marina (Tax Lots 51, 24, 16, and 30) have direct and adequate access to NW Marina Way. The applicant proposes to modify the driveway and the entrance to the subject parcels as shown on the submitted site plan. The site plan has been reviewed by Alan Young of the Multnomah County Right-of-Way Division and he states that NW Marina Way is part of the State of Oregon owned right-of-way. Thus, the applicant should contact Gary Hunt at the Oregon Department of Transportation (ODOT) at (503)-653-3086 for information regarding the alteration of the access to NW Marina Way.

### **Off-Street Parking and Loading (OP)**

#### **11.15.6100 Purposes**

**The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.**

#### **11.15.6102 General Provisions**

**In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.**

**Staff:** The applicant received retroactive approval under the Hearings Officer decision for CS 1-98, CU-98, WRG 2-98 on December 3, 1998 for the use of the site as a moorage. The request for the use of the site, as described in the three land use applications, was reviewed as a new use since the appropriate land use approvals had not been obtained previously. Hence, the approval of the use was alteration to the existing site and intensification of the use. The

applicant/ property owners are hence required to meet the parking standards of the Multnomah County Code as described herein.

#### **11.15.6106 Continuing Obligation**

**The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.**

**Staff:** The applicant/ property owners shall maintain the required level of parking on the site. See also the Conditions of Approval for this decision, DR 3-99. The applicant site plan illustrates twelve (12) parking spaces for the moorage. Under Section .7510, in the December 3, 1998 Hearings Officer decision for CS 1-98, CU 6-98, WRG 2-98, the applicant stated, "There are a total of six living units, including the farm house. There is approximately 600 feet of waterfront frontage. Based on the allowance of one unit per 50 feet, the allowed density would be 12 units, therefore the development proposal meets this criteria." Under Section .6142 (D)(11), two (2) parking spaces are required per houseboat. The application meets the criterion.

#### **11.15.6108 Plan Required**

**A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.**

**Staff:** The applicant has submitted a detailed site plan showing the required items. In addition, a site plan was submitted on August 12, 1999 from Bob Rodgers of Rogers Engineering showing the sedimentation manhole location on the site as requested by a Multnomah County engineer. The application meets the criterion.

#### **11.15.6110 Use of Space**

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
- (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**
- (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**
- (D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.**
- (E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space**



**temporarily or permanently incapable of immediate use for loading operations.**

**Staff:** These criteria are included for informational purpose.

#### **11.15.6112 Location of Parking and Loading Spaces**

- (A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.**

**Staff:** The applicant site plan illustrates the location of the proposed parking spaces. The applicant will accommodate the required parking spaces on the site. The application meets the criterion.

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- (C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.**

**Staff:** The applicant site can and will accommodate the required parking and maneuvering areas. The application meets the criterion.

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#### **11.15.6116 Change of Use**

- (A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.**
- (B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.**

**Staff:** The applicant is required to install the appropriate number of required parking spaces for the moorage. See also the Conditions of Approval.

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

- (A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**
- (B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.**

**Staff:** The applicant is required to comply with the parking standards as described by the Multnomah County Code and included herein the decision for DR 3-99. This criterion is included for informational purposes.

#### **11.15.6138 Dimensional Standards**

**(A) Parking spaces shall meet the following requirements:**

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.**
- (3) For parallel parking, the length of the parking space shall be 23 feet.**
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

**(B) Aisle width shall be not less than:**

- (1) 25 feet for 90° parking,**
- (2) 20 feet for less than 90° parking, and**
- (3) 12 feet for parallel parking.**
- (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.**

**(C) Loading spaces shall meet the following requirements:**

<b>(1) District</b>	<b>Minimum Width</b>	<b>Minimum Depth</b>
<b>LM, GM, HM</b>	<b>12 Feet</b>	<b>60 Feet</b>
<b>GC, EC, SC</b>	<b>12 Feet</b>	<b>35 Feet</b>
<b>All Others</b>	<b>12 Feet</b>	<b>25 Feet</b>

- (2) Minimum vertical clearance shall be 13 feet.**

**Staff:** The applicant shall comply with the parking standards described here.

**11.15.6132 Improvements**

**(A) Surfacing**

- (1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

**Staff:** The applicant has proposed a grass crete surface material for the parking lot. A sedimentation manhole will be installed on the site as shown by the site plan submitted August 12, 1999 from Rodgers Engineering. The surface material is acceptable to Multnomah County.

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**(B) Curbs and Bumper Rails**

- (1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.
- (2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.
- (C) **Marking** – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC .6108, and such marking shall be continually maintained.
- (D) **Drainage** – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.
- (E) **Covered Walkways** – Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such structures shall meet the setback, height and other requirements of the district which apply.

**Staff:** The applicant site plan illustrates the location of the parking and maneuvering areas on the site. The site plan illustrates a “log bumper stop” on the site. The drainage mechanisms are also indicated on the site plan. There are no covered walkways on the site.

#### **11.15.6134 Lighting**

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

#### **11.15.6136 Signs**

Signs, pursuant to the provisions of 11.15.7964.

**Staff:** Pursuant to the applicant letter dated July 28, 1999 and received at Multnomah County on August 4, 1999, the applicant states that no new signs will be established on the site.

#### **11.15.6138 Design Standards: Setbacks**

- (A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

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- (D) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

**Staff:** These criteria are included for informational purposes.

#### **11.15.6140 Landscape and Screening Requirements**

- (A) The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).**
- (B) Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).**

**Staff:** The applicant shall comply with the criterion as applicable.

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

##### **(D) Commercial Recreation**

**(10) Moorage (Boat) – One space for each two boat berths.**

**(11) Moorage (Houseboat) – Two spaces for each houseboat.**

**Staff:** The applicant stated that five (5) combos, one (1) home office/ garage, and eight (8) garages are on the site. Staff calculates that 2 parking spaces are required for each of the combos for a total of ten (10) parking spaces [ $5 \times 2 = 10$ ]. Staff calculates one boat berth for each garage (home office/ garage + garages) for a total of 4.5 parking spaces [ $9 \times .5 = 4.5$ ]. The total required number of parking spaces is thus fifteen (15) parking spaces [ $10 + 4.5 = 14.5$  or 15]. The applicant is required by Condition of Approval # 2 to install fifteen (15) parking spaces on the site.

#### **Design Review (DR)**

##### **11.15.7805 Purposes**

**MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.**

**Staff:** As has already been established, the applicant/ property owners are required to submit the Design Review application pursuant to Condition of Approval #2 under the Hearings Officer decision issued December 3, 1998 for CS 1-98, CU 6-98, WRG 2-98.

##### **11.15.7810 Elements of Design Review Plan**

**The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.**

**Staff:** The required items have been illustrated on the applicant's submitted site plans.

## 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.**

**Applicant:** A large portion of the site is designated as a wetlands, therefore, will remain in a natural state. The houseboat units are set below the top of bank and will be screened with a landscape buffer, therefore, the structures will relate harmoniously to the natural environment. In addition, all storage will be screened with a six-foot slatted fence.

**Staff:** The applicant will install landscaping as illustrated on the site plan submitted May 11, 1999. The applicant states the storage area will be screened with a fence. The houseboats are existing on the site as the Hearings Officer decision for CS 1-98, CU 6-98, WRG 2-98, was a retroactive approval for the site. The site includes a wetland. The landscaping and design elements shown on the submitted plans will relate "harmoniously" to the natural environment and to the existing structures on the site. The application meets the criterion.

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

**Applicant:** No comment.

**Staff:** The applicant site plan shows the location of the drainfield, the wetland, the sedimentation manhole, the drain pipes, and the biofiltration swale with drain rock. The site plan illustrates the location of the existing and new driveway and parking areas. The applicant has minimized impacts of the development by installing the appropriate mechanisms to prevent pollution of the site and off-site impacts. The application meets the criterion.

- (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.**

**Applicant:** The houseboats are two-story or less and are less than 80 feet in length, therefore, the structures are designed at a human scale. See grading/landscape plan.

**Staff:** The houseboats are existing and are used for residential and storage (for boats) uses. The site plan illustrates the landscaping, the screening, the location of the parking area, the location of the houseboats, and many other site features. The elements of the design review plan are effectively meeting the applicable criteria of the Design Review, DR 3-99, and Grading and Erosion Control, GEC 23-99, applications. The application meets the criterion.

- (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:** Each houseboat has a private deck and boat moorage. In addition, the wetlands area is available to all residents and is appropriately separated from all private areas. The ramp connecting the moorage walkway and the top of bank is a gentle (2% grade) and is also lighted.

**Staff:** Photographs submitted by the applicant indicate the proximity of the houseboats to other houseboats in the moorage. Staff has visited the site and the houseboats have decks. A wooden boardwalk connects the houseboats to the gangplank crossing Multnomah Channel and leading to the shore. The applicant site plan illustrates the vegetation to be installed on the site and that will improve the transition from the public areas to the private areas. The application meets the criterion.

**(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 ramp connecting the moorage walkways and the top of bank is a gentle slope and is also lighted.

**Staff:** Staff spoke with building plans reviewers regarding the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC) standards for the moorage pursuant to the applicant's statement regarding the slope of the walkway. Since the water level of Multnomah Channel rises and falls continuously, it may be difficult for the gangway to be at a constant slope. The applicant does not describe or propose braille signs or special accommodations for handicapped needs at the moorage. The applicant/ property owners may be required, by the City of Portland Bureau of Buildings (the City acts as the building department for Multnomah County for the subject properties of this application) to meet ADA requirements at such time as deemed appropriate. The application does not include provisions for handicapped persons and thus is not applicable to the application. It does not preclude, as stated above, future requirements.

**(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:** No natural features or landscaping will be disturbed as part of any proposed development or excavation and fill. The only natural vegetation that will be disturbed will be grass and weeds within the area to be excavated and filled.

**Staff:** No trees or shrubs currently exist in the area proposed to be altered by the applicant/ property owners. The disturbed jurisdictional wetland area on the site has been restored. The applicant proposes to raise the surface level of the site, pursuant to the decision of the Hearings Officer on December 3, 1998 for CS 1-98, CU 6-98, WRG 2-98 to 2 feet above the base flood elevation [See Section .6315 (I) and Section .7520 (B)]. Section .7520 (B) states that ingress, egress, and the parking lot must be constructed at two feet above the elevation of the 100-year flood boundary. The site plan submitted by the applicant/ property owners illustrates the proposed

site alterations. Landscaping of the site will occur. The application meets the criterion.

- (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.**

**Applicant:** The proposed parking and vehicle circulation area will provide adequate access and circulation for cars and small trucks (i.e. sanitation trucks for garbage and septic). A designated pedestrian sidewalk will connect the parking area with the boat moorage ramp.

**Staff:** The site plan illustrates the existing and proposed driveway. The site plan also illustrates the location of the parking lot. The applicant proposes to use grass crete for the parking lot surface material. The application meets the criterion.

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

**Applicant:** The proposed parking area will include a 12” drainage pipe and 8’ dry well, therefore, the drainage system will no affect neighboring properties [sic].

**Staff:** One of the Multnomah County engineers has reviewed the applicant/property owners submitted site plans and project proposal. He requested the installation of a sediment manhole in the parking lot. On August 12, 1999, Bob Rodgers of Rodgers Engineering submitted a site plan illustrating the location of the sedimentation manhole in the parking lot. The parking lot surface material is grass crete. Staff research reveals that, with the sedimentation manhole, the surface materials and the mechanical devices proposed for the site should be adequate to retain surface run-off in such a manner so as to not adversely impact neighboring properties or streets. Included in the case file is an article entitled, “Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management” (APA Journal, Summer 1999) regarding the effectiveness of permeable surface parking areas. The application meets the criterion.

- (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.**

**Applicant:** All exterior storage will be screened with a 6-foot slatted fence. The parking area will be screened from the Channel and houseboats with a landscape buffer. See grading/ landscape plan.

**Staff:** The applicant site plan illustrates the location of the dumpster, including the concrete pad, and the parking area. The applicant site plan shows the location of the new vegetation to be installed on the site. The application meets the criterion of minimizing the adverse impacts of the site to neighboring properties by installing the appropriate screening and landscaping.

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

**Applicant:** All utilities, except electrical overhead, will be sub-grade. Overhead wiring is consolidated to diminish visual impacts.

**Staff:** The applicant will comply with the criterion as described.

- (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.**

**Applicant:** One 4' x 6' sign will be placed at the main entrance of the site and will designate business name ("Lucky Landing") and site address. July 28, 1999 letter to Staff: Concerning Item #3, I have indicated to you in a phone conversation that the proposal does not include any new signage, therefore, Section .7942 would not apply. I assume that this issue is covered in writing now, as well.

**Staff:** The applicant submitted a letter July 28, 1999 stating that no new signage will be established on the site. Staff notes the change in the applicant's narrative statements and notes that for this application, no signage is included and hence no new signage is approved. Therefore, since no new signage is proposed, the criterion is not applicable.

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#### **11.15.7855 Required Minimum Standards**

##### **(A) Private and Shared Outdoor Recreation Areas in Residential Developments:**

- (1) Private Areas – Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.**

**Staff:** In a conversation at the Multnomah County Planning Counter on May 11, 1999, the applicant stated that the decks for each houseboat fulfilled this requirement. The applicant submitted photographs to support this statement. These photos are included in the case file for DR 3-99. The application meets the criterion.

- (2) Shared Areas – Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:**

**(a) One or two-bedroom units: 200 square feet per unit.**

**(b) Three or more bed-room units: 300 square feet per unit.**

**Staff:** In a conversation on May 11, 1999 at the Multnomah County Planning Counter, the applicant stated that the wetland area and the majority of the site



would be considered the shared area. The applicant stated that the outdoor recreation space for the residents of the site would be met by the existing outdoor space on the site. The applicant referred to the site plan submitted May 11, 1999.

**(B) Storage**

**Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.**

**Staff:** The applicant site plan shows the garbage dumpster will be screened.

**(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.**
- (c) 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:** These standards are included for your information. The site plan shows the location of the vegetation to be planted, the parking area, the proposed driveway, and the mechanical devices to accommodate sanitation and stormwater run-off.

#### CONCLUSIONS:

- A. The applicant has carried the burden necessary for granting approval for the Design Review application, **DR 3-99**, to make the alterations to the Lucky Landing Moorage site for parking, landscaping, and grading (see **GEC 23-99**) as described herein.
- B. Conditions of Approval are necessary to insure compliance with applicable Code provisions and Comprehensive Plan Policies and are enclosed within this document.
- C. The proposal as conditioned, satisfies Design Review approval criteria as detailed in the findings section above.

**NOTICE:** This decision was mailed August 31, 1999 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on September 10, 1999.

#### IN THE MATTER OF DR 3-99:

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Signed: Tricia R. Sears, *Land Use Planner*  
For: Kathy Busse, *Planning Director*

#### NOTICE:

*The Decision of the Planning Director detailed above will become final unless an appeal is filed within the 10-day appeal period that starts the day after the notice is mailed. If the 10<sup>th</sup> day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision for, and submit to the Multnomah County Land Use Planning Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning at (503) 248-3043, or visit our offices at 1600 SE 190<sup>th</sup> Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m. -4:30 p.m.; M-F].*

**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.