



DESIGN REVIEW PERMIT

Case File No.: DR 8-98
December 21, 1998

What: Design Review Permit for facilities constructed on the subject property since 1978.

Where: The subject property is located at:
5605 NE Sundial Rd., Troutdale
T1N, R3E, Section 22, TL.100

Who: Property Owner: Russell Towboat & Moorage Co.
1499 SE Tech Center Place #140
Vancouver, WA 98683

Applicant: Gordon E. Davis
1035 NW Hoyt St.
Portland, OR 97209

Decision: Approve, subject to the conditions below, the Final Design Review plans for alterations to the tug and barge facility between 1978 and the present.

I. CONDITIONS OF APPROVAL

1. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site plan, and findings contained in the Staff Report. The applicant shall be responsible for implementing the development plan as presented and approved.
2. This approval will become void 18 months from the date this decision becomes final. The decision will become final on December 31, 1998 unless an appeal is filed.

For questions about Conditions of Approval and Building Permit Sign-off, contact Chuck Beasley, at 248-3043.

STAFF REPORT FORMAT

This staff report addresses one requested action, approval of a Design Review permit. The Applicant's response to an approval criteria is indicated by the notation "Applicant." Planning staff comments and analysis follow the applicant's responses to the criteria. Additional planning staff comments are added where supplemental information is needed or where staff may not concur with the applicant's statements. If no staff remarks are indicated, staff concurs with the applicant. Findings are included by staff as necessary to address ordinance requirements.

FINDINGS:

II. BACKGROUND AND DESCRIPTION OF PROPOSAL

The applicant is requesting approval of alterations to the site since 1978 pursuant to the Design Review provisions of MCC 11.15.7815 and .7820. The applicant has submitted a written narrative dated October 22, 1998, and attached site plans and photographs as exhibits. An additional submittal dated November 25, 1998, includes information related to flood hazard and off-street parking provisions. These documents are attached as Exhibits A1. and A2. respectively. The applicant's background statement describes the history of the property and the process leading up to this permit. The narrative on pages one through four describes the facilities based on three functional areas of the property, and the changes to each area since 1978. The additions include a vehicle storage shed and a second mobile shed for the rail bed construction area. Other uses on the site have been relocated or abandoned. The narrative also includes specific responses to the Design Review approval criteria.

SITE AND VICINITY CHARACTERISTICS

The subject property is located along the south shore of the Columbia River a short distance south of the confluence of the Columbia and Sandy Rivers. It is located in an area of primarily industrial zoning with industrial uses existing on adjacent property to the east (Gresham Sand and Gravel), and south (Reynolds Metals). Other adjacent properties to the south and west are undeveloped at this time and are in the Heavy Manufacturing zoning district. The site lies on the north, lowland, side of a levy, and contains both floodplain and a man-made lagoon which was constructed under 1991 floodplain and SEC permits. Access is from Marine Drive along Sundial Road and then via an easement road.

III. APPLICABLE CRITERIA

1. MCC 11.15.5305 contains the uses and standards applicable to the Urban Heavy Manufacturing district.

2. MCC 11.15.7820 Applicability of Regulations for the Design Review process, together with .7815 Plan Approval Required, provide that completion of Design Review is necessary to alter or enlarge a use listed in any manufacturing district.
3. MCC 11.15.6100 Off-Street Parking and Loading applies to alterations to existing uses which intensify use by persons.
4. MCC 11.15.6301 Flood Hazard applies to the property because it is mapped as being within the “flood fringe.”

IV. ANALYSIS

A. Design Review Approval Criteria

MCC 11.15.7850(A): Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

- (a) **The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**
- (b) **The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.**
- (c) **Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Applicant: This is a heavy industrial site that is designed to be able to construct and maintain all manner of industrial barges, tug boats and other industrial water craft. To effectively accomplish this work, the site must have direct access to the water to:

- ❖ launch craft,
- ❖ retrieve craft out of the water,
- ❖ moor craft in the water, dry dock craft, and
- ❖ provide equipment work platforms, storage, power and accessibility for all construction and maintenance configurations

In addition, the site must have:

- ❖ Dry-land covered construction shops,
- ❖ Tool and equipment storage,

- ❖ Construction cranes, rail ways, construction platforms and lunch facilities, parking,
- ❖ Storage areas for all manner of equipment and supplies
- ❖ Small, flexible work areas (covered and uncovered) for painting, sandblasting, small construction projects
- ❖ Materials and trash consolidation facilities

There is very little of this work activity or the permanent and temporary facilities that anyone would consider attractive. There is very little of the work activity that takes place inside buildings. This work activity requires very large equipment and support facilities and supplies.

The changes since 1978 represent primarily small additions and modifications to the facilities that existed on the site prior to 1978. In Area 1, the relocation of the Irrigon work barge to the end of the access road and the placement of the main dry dock in the small lagoon, while neither are in permanent locations, essentially represents a rearrangement of work areas. The Irrigon in the present location provides more effective moorage and construction support for in-water maintenance and to the main dry dock. It is also the direct connection for personnel and supplies between the land and water craft. The Irrigon is essentially a dock although it is considered a “vessel” by the Coast Guard.

Removal of the small building way reflects the change in the size and nature of the craft that are now constructed and that require the large building way.

The facilities in Area 1 are water dependent and the heart of the Sundial operation. Their interaction with the river is essential and the changes that have occurred since 1978 are consistent with the general use and activity that has been on the site since the mid 1960s. the changes in Area 1 are:

1. In keeping with the natural river environment given the essential nature of the relation of the work activities with the river,
2. A more effective utilization of space, work areas and support facilities providing far greater efficiency in the construction and maintenance work thereby providing less energy requirements and other negative environmental consequences from inefficient operations,
3. More functional to the needs of the operation.

In Area 2, the addition of the storage building on the north side of the main shops building and the addition of a second movable shed on the existing rail construction platform are additions to existing facilities. These changes in Area 2 are:

1. Within the highly developed and utilized areas of the site and are not and do not directly affect the surrounding natural environment,
2. Internal to the site and are essentially invisible additions when viewed from adjacent properties,

3. Promote additional efficiency in storage and construction activities,
4. Provide for greater capacity on the site to accommodate larger and more complex construction projects that might not otherwise be able to be built on this site.

In Area 3, the elimination of the launch slides into the lagoon, a general consolidation of the storage and staging activities, and the growth of vegetation on the east property line and in the southeast area of the property has:

1. Increased the visual screening of the site from off-site areas,
2. Has increased the natural value of areas in which vegetation has been allowed to increase,
3. Has allowed the lagoon to remain free from as much intrusion as possible given the essential role of the lagoon as a tie-off and temporary storage area for barges and other craft.

Staff: Staff concurs.

(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: The changes since 1978 have been designed to provide greater internal efficiency of the work and staging areas. As such, they provide a greater level of efficiency and safety for Sundial personnel.

The growth of vegetation on the east property line and in the southeast portion of the site has provided far more effective screening of Sundial operations from adjacent properties and the general public.

Staff: Agrees.

(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: While none of the changes since 1978 have been specifically done to accommodate the special needs of handicap persons, the placement of the Irrigon at the end of the access road could allow handicap people closer access to the construction area. The access road ends with a ramp onto the working surface of the Irrigon so that handicap clients, inspectors and employees can access the primary working area on the waterfront.

Staff: Staff concurs.

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

Applicant: The natural landscape along the eastern property line has been allowed to grow and now provides an effective landscape screen to the property to the east. The southeast corner of the property has also been allowed to revegetate as the storage and staging uses of this area have been curtailed. Natural vegetation in other areas of the site have not been retained as they would be in direct conflict with the heavy construction and maintenance operations.

Staff: The changes since 1978 which are subject to this permit are within areas which were already developed. Based on the description of changes in the three work areas as described on page 4 of the 10/22/98 narrative, little if any changes to existing grade have occurred.

- (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: None of the changes since 1978 have fundamentally changed any of the parking, access, internal circulation routes nor pedestrian movement patterns. Altogether there are approximately 50 parking spaces on the property, one “public” access and one emergency access point.

Staff: Agrees. Findings regarding compliance of parking with the Off-Street Parking ordinance are addressed below.

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

Applicant: The site presently operates under a Baseline Permit from DEQ to handle all stormwater runoff. Under this permit sampling is done twice a year and reports submitted to DEQ. In addition, the evaporator that will be placed on the Irrigon will receive pumped stormwater from the dry dock for holding and evaporation. No stormwater or residue from any dry dock construction or maintenance activities will discharge into the river once the evaporator is in place.

Staff: Agrees that the stormwater from new facilities will be controlled to protect neighboring property, and does not discharge to nearby streets.

- (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: None of the changes since 1978 are visible from the adjacent properties. Since 1978, significant screening with cottonwoods and other vegetation has developed, particularly along the eastern property line. This line of vegetation is approximately 15-20 feet in width with some of the trees 50 feet or more in height. This screening hides all but the tallest construction cranes on the property from the entry road and adjacent property to the south and east. In addition, the vegetated area in the southeast corner of the property (approximately 2 acres) also provides significant screening toward the south and southeast, which is the direction from which all vehicles arrive in the area and to the property.

Since the majority of the facilities are in the central and northern portion of the site and are at an elevation equal to or lower than the Columbia River Dike which runs along the southern boundary of the property, only the tops of the construction cranes are visible from the south. Additionally, since the property south of the Columbia River Dike and south of the Sundial property is about 20 feet lower in elevation than the dike and for the first approximately 300 feet, is encumbered with a major power transmission line, no active uses are within 500 feet or more to the southern boundary of the property. the western property line is heavily vegetated and obscures the property to the west, which is presently vacant.

Staff: Staff concurs.

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

Applicant: Since 1978, no new utilities have been installed above ground.

Staff: This criterion does not apply to the post 1978 construction.

- (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: There have been no changes in signs or other graphics since 1978.

Staff: This criterion does not apply since no such features have been added since 1978.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date.
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025 (A) or .9027 (A).
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

Conclusion: The changes to the use which are subject to Design Review are limited to two structures, the vehicle storage shed and the mobile shed. The Design Review approval criteria are all demonstrated to have been met by the applicant, primarily due to the minimal changes which have been made.

B. Off-Street Parking and Loading Requirements

MCC 11.15.6116 Change of Use (Off-Street Parking and Loading): This section lists the circumstances which require compliance with the parking provisions, including an enlargement of an existing use. The number of additional spaces required is based on the increase in area.

Staff: The applicant's response is in the 11/25/98 letter. The existing employment characteristics and number and location of spaces are described. Historic employment has been approximately 35 full-time employees, with the peak number

climbing to 50 depending on the project. The facilities added after 1978 include a storage building between the main shop building and the tool storage building in Area 2, and addition of a second mobile shed was added to the existing rail bed construction platform. The applicant implies that there is not a direct relationship between the facilities added since 1978 and the number of employees required. The applicant states that the existing parking lot has been adequate for all construction projects over the past 10 years.

MCC 11.15.6142 Minimum Required Off-Street Parking Spaces

* * *

(E) Manufacturing and Storage

- (1) Manufacturing – One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.**
- (2) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.**

Staff: The applicant states that the parking lot accommodates approximately 42 cars, and at the ratio of 1 space for each two employee positions on the largest shift, only 25 spaces are needed. Staff notes that the lack of nearby public transportation probably results in this formula understating the number of spaces required. The standard also requires a comparison between the number of spaces which would be required under the ratio formula with the number required using the gross floor area calculation. However, the characteristics of the use, construction and maintenance of large vessels, do not lend themselves to a gross floor area calculation because the work is spread out over the entire site. Other than the dry dock, barges, and office shop areas, the work areas are undefined.

Conclusion: The facilities which were added since 1978 do not appear to result in an increased need for parking spaces. One area, the “breezeway”, is used to store vehicles, the other covers existing work area adjacent to the rail bed construction area. The Off-Street Parking ordinance does not require additional spaces or upgrading of parking areas for this application.

C. Flood Hazard Requirements

MCC 11.15.6303 Area Affected: This section of the code provides that the Flood Hazard regulations apply to all areas within the flood boundary as identified on the Flood Boundary and Floodway Maps and the FIRM Maps published by FEMA.

Staff: The FIRM map of the subject property indicates a majority of the site within Flood Hazard Zone A 10, with a flood elevation of 31 feet NGVD. However, a portion of the property in the vicinity of the Main Office and Shops (Exhibit C)

appears to be on an island of Zone B land. This lends support to the applicant's statements in his November 25, 1998 letter regarding the elevation of the 1996 flood. In addition, the Floodway Boundary Map indicates the floodway begins approximately 50' north (riverward) of this island of Zone B land.

MCC 11.15.6315(C) Development Standards

(C) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor including basement, elevated at least one foot above the base flood level, with proper documentation as set forth in subsection (B) above, or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed such that the structure is substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and**
- (2) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and**
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.**

Staff: Two structures, a breezeway and a mobile shed are identified as potentially subject to the FH requirements. Based on the mapping, it is uncertain whether any of the improvements made since 1978 are within the flood zone. The applicant has provided information that they comply as if they are within the flood zone. The 11/25/98 letter from the applicant places the improvement value of the "breezeway" which was constructed to connect two existing buildings as \$28,800. This is less than the \$415,000 building value and therefore does not cross the "substantial construction" threshold. The other structure identified by the applicant as potentially subject to the FH ordinance, the mobile shed, is described as having walls that are not connected to the ground and not enough mass to displace floodwaters. Based on staff analysis of the FIRM map and 1986 aerial photographs, staff believes the mobile shed area is on the island of Zone B shown on the FIRM map.

Flood Hazard Conclusion: Based on the information provided by the applicant, and by analysis of the FIRM maps, staff finds that only the breezeway may be within the FH zone. The breezeway is not by definition a substantial improvement and is therefore not subject to any of the Development Standards of the ordinance. Therefore, the flood hazard requirements of the ordinance are met.

VI. EXHIBITS

- A1. Submittal dated 10/22/98.
Narrative, site plan, photographs.
- A2. 11/25/98 letter addressing parking and flood hazard.

In the matter of DR 8-98

This decision filed with the Director of the Department of Environmental Services on December 22, 1998.

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

By Chuck Beasley, *Planner*
For: Kathy Busse, *Planning Director*

NOTICE

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on 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 form, and submit to the County Planning Division 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 instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon, 97214 [hours: 8:30 a.m. – 4:30 p.m.; M—F].

The appeal period ends December 31, 1998, at 4:30 p.m.