



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

DECISION OF HEARINGS OFFICER
Conditional Use Application
Case File: CS 2-99/SEC 34-99

Date & Time: Wednesday, February 16, 2000, 9:00AM
Place: Yeon Building, 1600 SE 190th Avenue, Rm 103
Portland, OR 97233

Proposal: Applicant requests approval for a Community Service permit for a park on Government Island, which will include replacement of an existing outhouse with a new restroom facility, improvements to the docks and ADA-compliant trails at both Bartlett Landing and Sandy Beach. Approval is also requested for the existing picnic shelter at Bartlett Landing.

Location: Government Island
TL 200, 1N3E Sec. 18 R#94318-0050; TL 100, 1N3E Sec. 18 R#94318-0070;
TL 100, 1N2E Sec. 12 R#94211-0040

Applicant: Katrina Kam
Oregon Parks & Recreation Dept.
1115 Commercial Street NE, Suite 1
Salem, OR 97301-1002

Property Owner: Port of Portland
PO Box 3529
Portland, OR 97208

Zoning: Commercial Forest Use (CFU)/ Significant Environmental Concern (SEC)

Staff Planner: Virginia Dodson

HEARINGS OFFICER DECISION:

Approval with Conditions to expand the public park on the above listed tax lots of Government Island as requested.

Note: The Hearings Officer has used the Staff Report as the basis for writing this decision. The hearings officer accepts the findings included in the staff report that were written by the staff and applicant and has supplemented them with additional findings and some minor revisions to the conditions of approval. Staff findings adopted by the hearings officer are identified by the word "Staff" and new Hearings Officer findings are identified by the words "Hearings Officer."

CONDITIONS OF APPROVAL:

1. This approval is based on the submitted material. The proposed addition shall be constructed on the site in accordance with the design, size, and location shown and described in the application materials submitted by the applicant, except as modified by these conditions of approval. Additional submittals and actions may be required of the applicant as noted in these Conditions of Approval.
2. A statement shall be recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.
3. If any potentially significant artifacts are discovered during construction, work shall stop immediately until a qualified archaeologist analyzes them
4. An Army Corps permit for in-water structures shall be obtained prior to building permit sign-off.
5. The applicant shall make an appointment with the Staff Planner, Virginia Dodson, at Multnomah County, (503) 988-3043, for building permit sign-off. The applicant shall bring five (5) sets of site and building plans to the County for sign-off prior to submittal of the building permits to the Portland Building Department.
6. The restroom structures shall be constructed in full compliance with the applicable building code(s), as determined by the City of Portland Building Bureau.
7. The applicant shall submit a landscape plan for review and approval by County Planning staff prior to building permit sign-off. The landscape plan shall show the location, size, quantity and species of vegetation to be planted and any vegetation to be removed. Landscaping shall be installed along the riparian corridor in the area of the improvements. Landscaping shall be a diversity of plants native to the area. Any trees removed shall be replaced at a 2-to-1 ratio.
8. The applicant shall maintain the primary and secondary fire safety zone as required per 11.15.2074(A)(5)(C)i and iii. for all structures.
9. Within the secondary fire safety zone, applicant shall perform the following: prune and space vegetation so that fire will not spread between crowns of trees; remove small trees and brush growing underneath larger trees to prevent the spread of fire up into the crowns of the larger trees; eradicate blackberry as it is a non-native species. Applicant shall contact the case planner to arrange for a final inspection after the required pruning and clearing is completed.
10. This permit shall expire three years from the date this decision becomes final unless substantial construction has begun as outlined under .7010(C)(3) or an extension is requested as per .7010(B).
11. A design review application shall be submitted and approved for each phase prior to the commencement of each phase or a final design review shall be submitted and approved for all phases prior to commencement of phase one. In the latter case, the design review permit will parallel the Community Service permit's phasing program. Each phase must be completed within 18 months of the starting date specified in the final design review permit.

1. Project Description:

In 1982, Multnomah County approved a Community Service use permit for a boat dock at Bartlett Landing (CS 4-82). This application's proposals will be an alteration of the existing boat dock and in addition to that existing boat dock.

The Oregon Parks and Recreation Dept (OPRD) requests a Community Service permit for a park on Government Island at both Bartlett Landing and Sandy Beach. The proposed project at Bartlett Landing includes: demolition of the existing outhouse, construction of a 2-stall ADA-compliant compost restroom, construction of an ADA-compliant walkway extending from the boat dock to an existing picnic shelter and the proposed restroom, and construction of an aluminum walkway, concrete floats, steel piles, and debris broom. Approval is also requested for the existing picnic shelter.

The proposed project at Sandy Beach includes: construction of a 4-stall ADA-compliant compost restroom, construction of an ADA-compliant walkway extending from the boat dock to the proposed restroom, and construction of an aluminum walkway, concrete floats, steel piles, and debris broom.

The pre-fabricated restrooms are composed of concrete walls and a roof. The walls will be made to look like brown wood and the roof will be made to look like cedar shakes, also colored brown. The restrooms will be illuminated by natural light provided by skylights and the sun. The ventilation fans will be powered by solar panels, located on the restroom roof. The existing picnic shelter is an open-air structure with wood posts and roof placed over bare ground.

Applicant proposes to phase this project. Phasing would be as follows:

- Restroom and walkway at Bartlett Landing: May-Dec 2000
- Dock work at Bartlett Landing: 2001 during in-water work period
- Dock work at Sandy Beach: 2002 during in-water work period
- Restroom and walkway at Sandy Beach: 2003

2. Site and Vicinity Characteristics:

Government Island is located just north and east of the Portland Airport in the Columbia River. Most of Sauvie Island is owned by the Port of Portland. The subject sites are leased to OPRD. Trees on the island are mostly cottonwoods with some shrubs. The island also has areas of open meadow where cows graze.

3. Multnomah County Code:

LOT OF RECORD

County staff advised the hearings officer that the subject property does not need to be a Lot of Record as the parcels on which the community service uses are proposed both exceed the minimum lot size for the CFU zoning district required by MCC 11.15.2058 (80 acres). The hearings officer notes, also, that the provisions that govern approval of community service uses do not require that the property on which a community service use is to be located be a lot of record, as defined by the CFU zoning district.

The evidence on the lot creation status of the properties is too scant to allow the hearings officer to conclude that the parcels were or were not created in compliance with all laws in effect at the time of creation, as required for Lots of Record. Yet, as the County failed to identify Lot of Record criteria as

applicable review criteria, as required by ORS 197.763 and no party has contested the staff's position, the hearings officer finds it appropriate to accept the staff's reading of the code in this case. The hearings officer notes, however, that there is a lack of clarity on this point and that clarification of the code on this issue is warranted.

COMMERCIAL FOREST USE (CFU)

11.15.2050 Conditional Uses

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

(C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .7072.

(9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

Staff: Applicant's request is for a park with accessory structures.

11.15.2053 Use Compatibility Standards

Specified uses of MCC.2050(C) and (D) and .2056 may be allowed upon a finding that:

(A) The use will:

(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

The island is uninhabited and is not farmed. No commercially valuable stands of timber are present on the island. The island is used for grazing cattle; however, this use will not be affected by the proposed projects.

Staff: Recreation users are permitted to use the beach and a small portion of the upland area of the island but are not permitted to enter beyond a certain point. This keeps the recreational users separated from the agricultural uses.

(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

The proposed restrooms will be constructed out of concrete masonry blocks, more than thirty feet away from trees, so there is little possibility of fire at these buildings. There is a possibility of the existing wood picnic shelter burning. If there is a fire, it will be detected by the designated Oregon Parks and Recreation Department (OPRD) ranger who goes to Government Island on a daily basis. The boat that the ranger uses is capable of carrying water, a hose and light construction equipment. In addition, OPRD has agreements with the Port of Portland and the City of Portland for fire suppression (fire boats and crews), both, which are about five minutes away.

(B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

Staff: A condition of approval will ensure compliance of this standard.

11.15.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .20619 .2062, and .2064, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

Staff: Site size for Bartlett Landing consists of two lots. Tax Lot 200 (1N3E 18) is 403 acres and Tax Lot 100 is 40 acres. The site for Sandy Beach is 196 acres, which is made up of Tax Lot 100, 1N2E Section 12.

(C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

Road Frontage	Other Front	Side	Rear
60*	130	130	130

* from centerline of road from which access is gained

Maximum Structure Height - 35 feet
Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.15.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2074(A)(5)(c)(ii).

Staff: The proposed restrooms are 12 feet and 8 inches high. The existing picnic shelter is 12 feet 5 inches. See setback dimensions under CS 11.15.7025, below.

(E) The minimum forest practices setback 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.

Staff: Does not apply. There are no right-of-ways that provide access to the island.

(F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Staff: No such structures have been proposed.

11.15.2074 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following

- (A) The dwelling or structure shall be located such that:
 - (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);

The proposed restrooms will not have any impact on nearby or adjoining forest or agricultural lands. They have self-contained compost systems so there is no discharge. There are no utilities and therefore no above- or below-ground wires or piping. The proposed restrooms are located in relatively open areas, away from trees. The proposed walkways will be constructed to minimize the removal of trees.

Staff: Recreation users are permitted to use the beach and a small portion of the upland area of the island but are not permitted to enter beyond a certain point. This keeps the recreational users separated from the agricultural uses. Setback requirements are met.

(2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

No commercially valuable stands of timber are present on the island. The island is used for grazing cattle; however, this use will not be affected by the proposed projects.

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

The proposed restrooms are in open areas and will not require the removal of any trees. There will be approximately ten trees removed to construct the walkways, and another ten tree removed because they are hazardous trees. Two trees will be planted for every tree removed. To obtain a diversity of trees (as opposed to just cottonwoods), OPRD will try planting Douglas fir and/or Western Cedar; however, due to the sandy soil, this may not be feasible.

Staff: It should be noted that the existing trees in this area are not commercially valuable.

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

Staff: No access road is proposed.

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;**

Staff: The proposed structure is not a dwelling.

- (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;**

Staff: There are no access roads on Government Island.

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

- (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**

- (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance in Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.
- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and
- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

The proposed restrooms are more than thirty feet away from any trees. There are trees near the existing picnic shelter; however, many of them were damaged from the recent storms, and are being removed because they are leaning towards the picnic shelter and considered hazardous.

Staff: There are no trees within 30 feet of either of the proposed restrooms. Existing vegetation consists of mowed grass. There are trees within 30 feet of the picnic shelter. It is not clear from the site plan whether it complies with the primary fire safety zone requirements. Furthermore, the primary safety zone may conflict with the requirements to retain riparian vegetation and retain vegetation between a use and a water body. The applicant shall submit a landscape plan which shows the location of trees within the primary safety zone. The landscape plan shall also demonstrate how the applicant can achieve compliance with fire safety practices while retaining riparian vegetation. Final landscape plan shall be reviewed and approved by the State of Oregon Department of Forestry or the local Fire Protection District.

Within the secondary fire safety zone are blackberry bushes and other tall shrubs underneath larger trees which may present a fire hazard. Within the secondary fire safety zone, applicant shall perform the following: prune and space vegetation so that fire will not spread between crowns of trees; remove small trees and brush growing underneath larger trees to prevent the spread of fire up into the crowns of the larger trees; eradicate

blackberry as it is a non-native species. Applicant shall contact the case planner to arrange for a final inspection after the required pruning and clearing is completed.

The slopes are less than 10 percent within the primary fire safety zone. The applicant shall maintain the primary and secondary fire safety zone as required per 11.15.2074(A)(5)(C)i and iii above. No forest management plan has been approved for this area.

(d) The building site must have a slope less than 40 percent.

Staff: The slopes are less than 40%.

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**
- (4) Have a fire retardant roof; and**
- (5) Have a spark arrester on each chimney.**

Staff: The restroom structures will be constructed of concrete. No chimneys are proposed. The restroom structures will be reviewed by the City of Portland Building Bureau for compliance with applicable building code.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

Staff: No water supply is needed or proposed. This criterion does not apply.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

Staff: No road or driveway is proposed or needed.

COMMUNITY SERVICE USE

11.15.7010 General Provisions

A. Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.

Staff: Application was submitted as per .8205 through .8280.

B. Except as provided in [MCC .7022\(F\)](#) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

Staff: A hearing has been scheduled February 16, 2000, for this Community Service Use, which will replace CS 4-82.

Hearings Officer: The hearing was held as scheduled. The record was left open until February 23, 2000 for the receipt of additional written evidence, at which time the record closed.

C. The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:

Staff: Applicant proposes to phase this project. Phasing would be as follows:

- Restroom and walkway at Bartlett Landing: May-Dec 2000
- Dock work at Bartlett Landing: 2001 during in-water work period
- Dock work at Sandy Beach: 2002 during in-water work period
- Restroom and walkway at Sandy Beach: 2003

Therefore based on the phasing plan provided, staff recommends that the Community Service and SEC permit expire three years from the date of issuance of the Board Order unless substantial construction has begun as outlined under .7010(C)(3) or an extension is requested as per .7010(B).

Hearings Officer: A three-year time period for completion of the project is reasonable given the fact that the applicant intends to phase development of the parks.

D. A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.

E. In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.

F. Uses authorized pursuant to this section shall be subject to Design Review approval under [MCC .7805](#) through [.7865](#).

Staff: The applicant has submitted an application for Design Review (DR 9-99) which will be reviewed separately. Typically, design review permits expire in 18 months with a possible 6-month extension allowed. Thus, the applicant has two options. A design review application shall be submitted and approved for each phase prior to the commencement of each phase or a final design review shall be submitted and approved for all phases prior to commencement of phase one. In the latter case, the design review permit will parallel the Community Service permit's phasing program. Each phase must be completed within 18 months of the starting date specified in the final design review permit.

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;

Applicant: The proposed uses are consistent with the character of the area. Government Island is presently used by recreational boaters due to its proximity to the moorage marinas along NE Marine Drive. The Columbia River to the west of Government Island is the most popular recreational boating area in and around Portland. The proposed restrooms will have compost toilets and solar-powered lighting and ventilation. No utilities area required for these restrooms. The proposed walkways leading to the proposed restrooms will help direct the boaters to the facilities, and keep them from trampling on the vegetation. The proposed floats, debris deflection booms and gangways are for the safety of the boaters.

Staff: The area is an island that is relatively flat with cottonwood trees and sandy beaches near the river, and wetland and meadows in the interior of the island. It is subject to tides and flooding. Structures on the island are barns for agricultural purposes, dams and walls for wetlands restoration purposes, and boat docks and portable toilets for boaters. The proposed community service use is for a park with associated structures such as docks, trails, picnic shelter and restrooms. This use and the associated structures are consistent with the recreational aspect of the island.

B. Will not adversely affect natural resources;

Applicant: These projects will not adversely affect any natural resources. The proposed restrooms are compost facilities, so there are no leach fields, sewer hookups or pollution of lakes, streams or beaches. No electricity will be needed. Ventilation and lighting will be solar-powered. A skylight will also be installed for natural lighting. There are no economically valuable minerals, whose use would be precluded by these projects. All in-water construction shall be performed during the in-water work periods specified by the Oregon Fish and Wildlife Department. Wildlife and fisheries will not be adversely affected, except for a potentially short-term disruption during construction. Air and water quality will not be degraded due to these projects.

Staff: Tree removal will be mitigated by replacing removed trees at a 2-to-1 ratio. This site has been designated an area of significant environmental concern by Multnomah County. An SEC permit is required prior to development. Natural resources will be addressed through the SEC permit portion of this application.

C. Will not conflict with farm or forest uses in the area;

Applicant: These projects will not conflict with farm or forest uses in the area. The island is uninhabited and is not farmed. No commercially valuable stands of timber are present on the island. The island is used for grazing cattle; however, this use will not be affected by the proposed projects.

Staff: See also comments in section .2053(A) above. This criterion is met.

D. Will not require public services other than those existing or programmed for the area;

Applicant: These projects will not require any additional public services. No electricity, water or sewer services are required. OPRD already has rangers who serve this area, and will maintain the facilities as required.

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;

Applicant: These projects are located outside a big game winter habitat areas as defined by the Oregon Department of Fish and Wildlife.

F. Will not create hazardous conditions; and

Applicant: Hazardous conditions will not be caused by these projects. Conversely, these projects were designed to provide additional safety measures when the boaters dock and adequate and convenient restroom facilities to reduce their use of the surrounding landscape.

G. Will satisfy the applicable policies of the Comprehensive Plan.

Staff: See below.

H. Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: Other applicable approval criteria are listed below.

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: This project is located within the CFU zone. Therefore the above yard requirements apply. The front property line is the line adjacent to the river.

The Parks and Recreation Department has not submitted a site plan that shows the location of the property lines. Due to the size of the lots, it is likely that the buildings will meet these setbacks. However, it may be necessary to consolidate some of the lots in order to ensure that setbacks are met.

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

Staff: No parking or loading is required as the park is an island and only accessible by boat.

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

Staff: Proposed signs are exempt signs because they are not oriented or intended to be legible from a right-of-way, private road or other private property. Therefore, they do not require a separate permit.

G. Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

SIGNIFIGANT ENVIRONMENTAL CONCERN

11.15.6408 Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under [MCC .6420](#) through [.6428](#), and shall be filed as follows:

- B. For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in the manner provided in [MCC .8210](#) and [.8215](#).

Staff: As required above, the SEC application was submitted with the application for the Community Service use.

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 a 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.

Applicant: The proposed restrooms are more than 150 feet away from the Columbia River and will be shielded from view with numerous existing trees (mostly cottonwoods) between the proposed restrooms and the Columbia River.

We are proposing to remove ten trees for the proposed projects and ten hazardous trees as recommended by the Oregon Parks and Recreation Department forester, in and around the area of the proposed restrooms and walkways. Trees considered to be hazardous include those that are dead, diseased to the extent that the tree may fall on someone, or is leaning excessively.

Staff: At Bartlett Landing, the picnic shelter is existing and is visible from the river during the winter months. However, there is a line of trees and shrubs between the shelter and the river. The restroom at Bartlett Landing is located away from the river behind a swath of about 120 feet of trees and shrubs. The proposed trail location may require removal of some trees. These trees are not located between the river and any proposed structure, therefore their removal will be addressed under other criteria. This criterion is met at Bartlett Landing.

The Sandy Beach restroom is proposed to be located above the beach in a grassy area. While the building is set back from the river, there are no shrubs or trees to screen the restroom from views from the river. Its location is on the highest point around in order to be above potential flooding. It cannot be moved further back because it will be too low and start to encroach on the vegetated area. To meet this criterion a condition of approval will require that landscaping be installed to the area between the restroom and river at Sandy Beach. Landscaping shall be a diversity of plants native to the area. A final landscape plan shall be submitted prior to building permit sign-off.

- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Applicant: These projects will not conflict with farm or forest uses in the area. The island is uninhabited and is not farmed. No commercially valuable stands of timber are present on the island. The island is used for grazing cattle; however, this use will not be affected by the proposed project.

Staff: A fence separates the recreation uses and the grazing area. The park use will not conflict with the agricultural land.

(C) A building, structure, or use shall be located on a lot in a manner that will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Applicant: The proposed restrooms are located above the base flood elevation, and are not visible from the Columbia River due to the surrounding trees. The proposed restrooms are compost facilities, so there are no leach fields, sewer hookups or pollution of lakes, streams or beaches. No electricity will be needed. Lighting will be provided by both a skylight and solar power. Ventilation will be solar-powered. The proposed projects are located to minimize vegetation removal.

Staff: The structures have been located away from the river and the river bank which is the most environmentally significant area, but not so far that the public cannot find them or must walk a great distance to reach them. The locations for the restrooms are flat and therefore little if any grading will be required. This criterion is met.

(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.

Applicant: These proposed projects are not designed to exceed the carrying capacity of the island. No areas of environmental significance will be affected. They are not near wetlands, and all in-water work will only be performed during the in-water work period specified by the Oregon Fish and Wildlife Department.

Staff: This application is for park and recreation use and is satisfying recreational needs through public means. By limiting the public to only a small area of the island, areas of environmental significance on the island are protected from over-use. Restrooms will actually increase the carrying capacity of the land allowing more people to use the area with less impact on the environment.

(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.

Applicant: These projects were designed to minimize the effects of vandalism. The proposed in-water projects will be visible from the river so that public safety is enhanced. Towboat operators and residents across the river will be asked to report any problems noted. The proposed restrooms are designed for quick installation, and are made of concrete to minimize fire hazards. The island is only accessible by boat and will be maintained by rangers, who already serve this area.

Staff: Debris booms will be added to protect docks and boats from swift current and debris. Trespass signs are posted to keep boaters away from property used for farming.

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

Applicant: The proposed projects will not affect any significant fish and wildlife habitats. Potential short-term disturbance may occur during construction. All in-water construction shall take place only during the in-water work periods specified by the Oregon Fish and Wildlife Department. These projects were designed to minimize the removal of vegetation. These projects do not involve any dredging.

Staff: The proposed structures are located in open areas, away from forests and wetlands. The restrooms and picnic shelter do not require any significant vegetation to be removed. The trail to the Bartlett Landing restroom may require removal of some trees. In order to mitigate tree removal which provides cover and shelter for some species of wildlife, any trees removed shall be replaced at a 2 to 1 ratio.

The riparian areas will be improved by the addition of required vegetation under (G) below. The proposed development is designed to protect fish habitat, by minimizing erosion and preventing sedimentation, placing structures away from the riparian area, and constructing during summer months. The Division of State Lands (DSL) has reviewed this application and commented that any fill below the ordinary high water level will require a fill permit from DSL. In addition, the applicant may be required to obtain or renegotiate their public facilities license for the docks. Army Corps also regulates navigable waters. An Army Corps permit is required for pilings and docks in the river. An Army Corps permit shall be obtained prior to building permit sign-off.

(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.

Applicant: The natural vegetative fringe will not be altered

Staff: The natural vegetation is composed primarily of cottonwoods. Installing trails for users will help reduce erosion of river banks by keeping the public away from erosion prone slopes. However, there is a lack of vegetation along the river and many of the existing cottonwood trees are dead or dying.

The applicant shall enhance the riparian corridor of the river by installing additional vegetation in the areas of the proposed improvements. The roots of plants will help prevent erosion and add scenic quality to the riparian corridor. The applicant shall submit a landscape plan for review and approval prior to building permit sign off. The landscape plan shall show the location, size, quantity and species of vegetation to be planted and any vegetation to be removed. This requirement may overlap with condition of approval required under (A) above.

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

Applicant: Based on conversation with the State historic Preservation Office archaeologist, Leland Gilson, there are no know archaeological areas within or near the project areas. However, if any potentially significant artifacts are discovered during construction, work shall stop immediately until a qualified archaeologist analyzes them.

Staff: A condition of approval will ensure that this criterion is met.

(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.

Applicant: The proposed restrooms are above the base flood elevation and are over 150 feet away from the Columbia River. The effect of the walkway additions on the flood plain should be minimal since they are long narrow strips over a large area. All in-water construction shall take place only during the in-water work periods specified by the Oregon Fish and Wildlife Department. There will be no dredging.

Staff: Parts of this island is located in the 100 year flood plain. A flood development permit has been submitted to address flood impacts on the proposed structures and preserve the floodplains' natural functions. No wetlands will be disturbed by this proposal.

(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.

Applicant: Erosion protection, compatible with the environmental character, will be provided as needed. This includes temporary sediment fencing and erosion control grasses as discussed in the Grading and Erosion Control permit application.

Staff: A grading and erosion control permit application has been submitted, which will ensure that areas of erosion will be protected. Conditions of approval for the GEC permit will address best management practices for this project.

(J) 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.

Applicant: The proposed projects will not affect the quality of the air, water or land resources.

Staff: The project does not have any impacts on air quality or noise levels, except temporary noise during construction. Impacts to the river may be caused by expansion of docks, deflection booms and by unmitigated erosion from construction. Erosion concerns will be addressed under the Grading and Erosion Control permit. Dock constructions will be subject to approval by the Oregon State Marine Board, the Division of State Lands, and Army Corps.

(K) 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.

Applicant: The proposed restrooms are made of concrete block. The walls and roof will be a dark brown as shown on the attached color chart. A skylight will provide the lighting. There will be two signs, one at Bartlett Landing and the other at Sandy Beach to inform the visitor that there is an ADA-restroom available and the direction. The signs will be small with a brown background and white lettering. There is already a relatively new (installed after the 1996 floods) aluminum gangway connected to a deteriorated wood gangway at Bartlett Landing. We are proposing to replace the deteriorated wood gangway with an aluminum gangway.

Staff: Existing landscaping around the Bartlett Landing restroom and proposed landscaping around the Sandy Beach restroom will ensure that the structures are compatible with the character

and visual quality of the area by partially screening the structures and enhancing the area adjacent to the structures. The dark color, small size and wood textured exterior of the restroom will help reduce the visual impact of the structure.

(L) 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: There is no area recognized as fragile or endangered plant habitat or which has valuable vegetative features on this island.

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

Staff: The applicable Comprehensive Plan policies are addressed [below].

COMPREHENSIVE PLAN POLICIES

Policy 11: Commercial Forest Land Area

The County's policy is to designate and maintain as commercial forest land, areas which are:

- A. Predominantly in forest cubic foot site class i, ii, and iii, for Douglas Fir as classified by the U.S. Soil Conservation Service;**
- B. Suitable for commercial forest use and small woodlot management;**
- C. Potential reforestation areas, but not at the present used for commercial forestry;**
- D. Not impacted by urban services; and**
- E. Cohesive forest areas with large parcels; or**
- F. Other areas which are:**
 - 1. Necessary for watershed protection or are subject to landslides, erosion or slumping; or**
 - 2. Wildlife and fishery habitat areas, potential recreation areas or of scenic significance.**

The County's policy is to allow forest management with related and compatible uses, but to restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development.

Staff: The island is ideal for recreational use. It is not used for forestry purposes.

Hearings Officer: All but the last paragraph of Policy 11 are clearly inapplicable to review of this application as it provided direction to the County in designating lands for commercial forest use and in retaining that type of land in commercial forest use zones. No change in zone is proposed nor does this application involve a designation of land for commercial forest use. The County's zoning code recognizes that community uses are allowed in the forest zones. The use of the land for park use does not prevent trees from growing. The minimal improvements needed for the park proposed make it possible to conduct logging operations in the park if and when the trees in the forested portions of the parks are ready for harvest, assuming the trees are of a type that are commercially desirable.

Policy 31 Community Facilities and Uses

The County's policy is to:

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.**

- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**
- C. Encourage land use development which support the efficient use of existing and planned community facilities.**
- D. Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.**
- E. Classify community facilities according to their function and scale of operations.**
- F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts, site slope requirements by scale are:**
 - Minor Regional 6% average slope**

Staff: The Oregon Parks and Recreation Department is proposing a long range plan for Government Island to provide recreation opportunities for boaters in the Columbia River. The island has long been used by boaters. In order to accommodate the current usage, OPRD is proposing improvements to the Island that will not place in additional burden on public services. Parks are considered minor regional facilities. Restrooms will be placed on sites which are relatively flat.

Hearings Officer: Photographs of the sites show that the slopes on the subject property are less than 6%.

- G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:**

Staff: Does not apply. No road access is available.

Hearings Officer: The park sites are accessible by boat. The river has the capacity to accommodate the proposed use.

- H. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following:**
 - 1. Roadway capacities**
 - 2. Existing and projected traffic counts**
 - 3. Speed limits**
 - 4. Number of turning points**

Staff: No road access is available. Access is provided via boat and the purpose of the park is to offer amenities and facilities to the boating population.

- I. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.**

Staff: Government Island is a large island which has several landing areas with docks. There are additional areas which could be developed in the future.

- J. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards codified in MCC 11.05.7805 - 11.05.7865.**

Staff: Proposed project shall obtain a Design Review approval.

K. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.

Applicant: The proposed projects qualify as Minor Regional Public Facilities. It satisfies the development requirements of that category, as follows:

- *Access: Access to this site is convenient only to boaters*
- *Impact on Adjacent Lands: This development will not generate a significant increase in recreational use of Government Island. It is designed to better accommodate the existing users. The only permanent activity on the island is cattle grazing, which is unaffected by these projects.*
- *The natural features of the area have been incorporated in this proposal.*

Policy 37: Utilities

Water and Disposal Systems

Staff: No water is required for these restrooms. The restrooms are composting toilets and do not require septic systems.

Drainage

- A. Shall have adequate capacity in the storm water system to handle the run-off; or**
- B. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- C. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

Staff: The restroom's roofs are relatively small. The trails are composed of concrete pavers 5 feet wide. The runoff from these improvements can be handled on site. However, run-off will be addressed specifically under the GEC application.

Energy and Communications

- A. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- B. Communications facilities are available.**

Staff: Energy will provided by solar panels. No communication facilities are planned or needed.

Furthermore, the County's Policy is to continue cooperation with the Department of Environmental Quality, for the development and implementation of a groundwater quality plan to meet the needs of the County.

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:

School

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

Fire Protection

- A. There is adequate water pressure and flow for fire fighting purposes; and**
- B. The appropriate fire district has had an opportunity to review and comments on the proposal.**

Police Protection

- A. The proposal can receive adequate local Police protection in accordance with the standards of the jurisdiction providing police protection.**

Applicant: There will be no effect on schools or fire protection.

Staff: School District should not be affected and therefore not an applicable agency. Fire protection is provided under agreement with the Port of Portland and the City of Portland. Police protection can be provided by the Multnomah County Sheriff.

Hearings Officer: No party challenged compliance with the requirements of this policy.

Policy 39: Parks and Recreation

The County's policy is to operate its established parks and recreation program to the degree fiscal resources permit, and to:

- A. Work with residents, community groups and parks commission to identify recreation needs, to maintain and develop neighborhood parks, and to identify uses for under-developed park lands.**
- B. Work with federal, state and local agencies, community groups and private interests to secure available funds for development, maintenance and acquisition of park sites and recreation facilities for park purposes.**
- C. Encourage the development of recreation opportunities by other public agencies and private entities;**
- G. Implement and maintain that portion of the proposed 40 mile loop jogging, hiking, bicycling trail system which is in public ownership, by:**

Staff: This proposed application meets the intent of Policy 39 by providing park facilities for public recreation purposes by a public agency.

DATED this 8th day of March 2000.

Liz Fancher, Hearings Officer

Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$500.00 plus a \$3.50 - per- minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 1600 SE 190th Ave., (in Gresham) or you may call 248-3043, for additional instructions.

Application Timeline:

Pre-Application Conference, PA 24-99: August 19, 1999.

Application received with full fees: December 20, 1999.

Application incomplete letter mailed: January 13, 2000.

Determination that application is complete: February 1, 2000.

Begin “120 day timeline” on February 1, 2000

Notice of a Public Hearing (mailed): February 4, 2000

Staff Report available: February 7, 2000

Public Hearing before Hearings Officer: February 16, 2000. **Day 15**

Record Closed: February 24, 2000.

List of Exhibits:

List A: Staff/ Applicant Exhibits:

1. Applicant vicinity map
2. Applicant site plan – Bartlett Landing
3. Applicant site plan – Sandy Beach
4. Applicant Restroom design
5. Picnic Shelter photo

List H: Documents Submitted at February 16, 2000 Public Hearing or Prior to Close of Record:

- H-1 Bartlett Landing 1/24/00 Photographs (1 page)
- H-2 Sandy Beach 1/24/00 Photographs (2 pages)
- H-3 Aerial Photograph of Government Island
- H-4 Building Textures
- H-5 Color Chart
- H-6 Map of Government Island “Exhibit Plat”
- H-7 Ground Lease
- H-8 Bargain and Sale Deed to Property dated April 8, 1987
- H-9 Bargain and Sale Deed, November 21, 1969
- H-10 Aerial Photograph (Large) of Part of Government Island