

SPEAKER SIGN UP CARDS

DATE

1/30/01
1/29/01

NAME

JEANNE BEVIS

ADDRESS

19419 WW Reeder Rd
POX

PHONE

503 621-3255

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Howell House

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE Jan 30, 01

NAME Gini Bramlett

ADDRESS 18336 NW Sauvie Is
Rd Portland, OR 97231

PHONE 503-621-9841

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Metro vs Howell Park

GIVE TO BOARD CLERK

*giving my 3 min to whoever needs
them*

SPEAKER SIGN UP CARDS

DATE 1-30-2001

NAME R. J. 'BOB' BROWN

ADDRESS PO BOX 837

ST. HELENS OR 97051

PHONE 503-720-7001

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SAUVIE ISLAND PARK
GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE JAN 30, 2001

NAME Elizabeth Callison

ADDRESS 6039 SW Knightbridge
Portland OR

PHONE 503 244 0641

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC P-1 (CU 00-02)

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 01/30/01

NAME Gruin Church

ADDRESS ~~3105~~ 3105 SE 22 RD

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Savvie island Development

p-1

GIVE TO BOARD CLERK

→ speaking Time given to Julie Cleveland

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME Julie Cleveland

ADDRESS 27448 NW St Helens Rd
\$Scappoose OR 97056

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC D-1 - Howell Park

GIVE TO BOARD CLERK

Deb, I need 12 min. I have these folks
giving me their time.

SPEAKER SIGN UP CARDS

DATE JAN 30 - 01

NAME LORA CRESWICK

ADDRESS 15203 NW BURLINGTON CT.
PORTLAND 97231

PHONE 503-621-3767

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE Jan. 30, 2001

NAME James Davis

ADDRESS 1523 NE 57th

Portland, OR 97213

PHONE 503-281-2345

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME David Egger

ADDRESS 19818 NW Snavio Is. Rd

PHONE 503-621-3015

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE

1/30/01

NAME

Denny Grande

ADDRESS

13743 N.W. Chantrelle

Portland, Or 97231

PHONE

503-621-3009

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME

Jan R. Hamer (HAMER)

ADDRESS

27448 N.W. ST. Helens Rd #344
Scappoose, OR 97056

PHONE

503-543-6223

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Territorial Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1/30/01

NAME

Mike Houck

ADDRESS

5171 NW Cornell

POX 97210

PHONE

292-6855x11

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC P-1 Bybee-Howell

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 01/30/01

NAME RAY HORTON

ADDRESS 3246 SE SHERMAN ST

PORTLAND 97214

PHONE 503-230-6970

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC CU-00-02

GIVE TO BOARD CLERK

I GIVE MY TIME TO JULIE CLEVELAND

SPEAKER SIGN UP CARDS

DATE Jan 30, 2001
NAME Charleen Houghton
ADDRESS 23560 NW St. Helens Rd
Portland OR 97231-1755
PHONE 503-543-3078
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Metro/Howell House
GIVE TO BOARD CLERK

give my time to Julie Cleveland

SPEAKER SIGN UP CARDS

DATE 1/30/01

NAME NANCY JACOBSEN

ADDRESS 22824 N.W. GILLIHAN

PORTLAND-OR 97231

PHONE ⁽⁵⁰³⁾ 621-1491

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC JULIE CLEVELAND

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE Jan 30 2001

NAME Dale Teebe

ADDRESS 8300 N. Woolsey

Portland

PHONE 503-240-0830

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 30 JAN. 2001

NAME DAN M. JOHNSON

ADDRESS 18027 N.W. SAUVIES
ISL Rd. 540 #18

PHONE PORTLAND OR 97231

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1/30/00

NAME Bill Kabeisemier

ADDRESS Preston Gates & Ellis,

222 SW Columbia, Suite 1400,

PHONE Portland, OR

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC CU 00-02, Metro's Howell

GIVE TO BOARD CLERK Territorial

P21K

SPEAKER SIGN UP CARDS

DATE JAN 30, 01

NAME PATRICIA KANE

ADDRESS 8300 N. WOOLSEY

PORTLAND, OR

PHONE 97203

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME

Dave Koenecke

ADDRESS

14482 NW Gillman

Port OR 97231

PHONE

503-621-3927

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Howell Park Transportation

GIVE TO BOARD CLERK

4 min

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME EILEEN MEVICKER

ADDRESS 15241 NW BURLINGTON CT.
PORTLAND 97231

PHONE 503-621-3555

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOVEL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME KATHY NELSON

ADDRESS 26750 NW SAVVIE IS Rd
Portland, OR 97231

PHONE 503-621-1334

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Territorial Park
GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME

Shenni Olson

ADDRESS

22558 NW Sauvie

Island Rd. Pld 97231

PHONE

621-3093

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee Howell Ser.

GIVE TO BOARD CLERK

Park

SPEAKER SIGN UP CARDS

DATE Jan 30, 2001

NAME

Brian Parson

ADDRESS

22939 NW Gillihan Rd

Portland Oregon 97231

PHONE

503 621-1250

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Park Savvie Island

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-2001

NAME

VERONE V PARSON

ADDRESS

23000 NW Gillilan Rd
PORTLAND OR

PHONE

503-621-3088

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE Jan 30, 2001

NAME Bonnie J Pasternak

ADDRESS 21595 NW Sammie Is Rd
Portland, OR 97231

PHONE 503 621 3394

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Territorial Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1/30/01

NAME JERRY PENK

ADDRESS 22530 NW GILKHAM
PORTLAND 97231

PHONE (503) 621-3542

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC BYBER HOUSE PARK
GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 01-30-01

NAME

ROBERT W. PETERSON

ADDRESS

103 E 45TH ST.

VAN. WA. 98663-1801

PHONE

360 - 695-6021

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SPUIE ISLAND vs METRO

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1/30/01

NAME

Don Posvar Fire Chief

ADDRESS

22656 NW Reeder Rd

Portland Ore

PHONE

503-621-3641 920-9572

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWEN PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1/30/01

NAME STUART SANDLER ^{FOR} ^{DO NANA} ^{MATRAZZO}

ADDRESS 19419 NW ZEEBEN RD
PORTLAND, OR 97231

PHONE (503) 681-3255

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC P-1

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME Lynnda Steenslid

ADDRESS 22732 NW Seelink Rd
Port OR 97231

PHONE 503-621-9604

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Territorial Park
GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 30 JAN 01

NAME C. Swanson

ADDRESS 50 SW 68th Ave

Portland

PHONE

503 292-3726

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Territory Land

GIVE TO BOARD CLERK

Use Case

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME

Betty Tandberg

ADDRESS

103 E. 45 ST

Vancouver, WA 98663

PHONE

360-695-6021

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Seattle Is vs. Metro

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME

Sheilah Toomey

ADDRESS

17697 NW Sauvie Island Rd
Ad 97231

PHONE

621-1492

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC P-1

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 01-30-01

NAME

CAMERON TYLER

ADDRESS

3600 NE Klickitat
PORTLAND OR

PHONE

503.291.6794

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SANITARY ISLAND

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 0/30/01

NAME JAMIE VANN

ADDRESS 21005 NW SAUVIE IS RD

PORTLAND 97231

PHONE 621-0232

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 01 - 30 - 01

NAME JAMES B VERN

ADDRESS 20815 NW SAWYER DR

PHONE 503-621-3185

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1-30-01

NAME LAURA WEAVER

ADDRESS 18616 NW PENDER
PORTLAND OR 97231

PHONE 503-621-9710

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC HOWELL PARK

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE

1/30/01

NAME

JANN WHITE

ADDRESS

17757 NW SAUVIE RD

PHONE

503 621-3632

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Howell Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 1.30.01

NAME W.G. White

ADDRESS 1757 NW Seaview Is. Rd
Portland 97231

PHONE 503.621.3632

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Howell Terrestrial Park
GIVE TO BOARD CLERK

Land Use Case CU 00-02

SPEAKER SIGN UP CARDS

DATE

11/30/01

NAME

Bob Wiley

ADDRESS

13755 N.W. Chocoma Rd
Port OR

PHONE

503-621-3462

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

P-1 Howell Park

GIVE TO BOARD CLERK

SPEAKER SIGN UP CARDS

DATE 30 JAN 01

NAME W. T. Williamson

ADDRESS 17621 NW LUCY REEDER RD
PORTLAND 97231

PHONE 503 621 FARM

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SAVIE ISLAND / BYBSE
GIVE TO BOARD CLERK
HOWELL

ANNOTATED MINUTES

Tuesday, January 30, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Lisa Naito, and Commissioners Diane Linn, Serena Cruz and Lonnie Roberts present.

B-1 Department of Community Justice Policy and Performance Review.
Presented by Elyse Clawson and Joanne Fuller.

**ELYSE CLAWSON AND JOANNE FULLER
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION INCLUDING
JUVENILE JUSTICE SYSTEM; DRUG
TREATMENT COURT; SECURE ALCOHOL AND
DRUG TREATMENT UNIT; GROUP TREATMENT
IN DETENTION; SCHOOL ATTENDANCE
INITIATIVE; ADULT COMMUNITY JUSTICE;
OFFENDER ASSESSMENT; ALCOHOL AND DRUG
SCREENING UNIT; COGNITIVE
RESTRUCTURING TRAINING; INCREASED
PROBATION AND PAROLE SUPERVISION;
CENTRALIZED INTAKE AND ASSESSMENT;
TRANSITION SERVICES FROM PRISON/JAIL TO
THE COMMUNITY; AFFORDABLE HOUSING;
EDUCATION; PROGRAM EVALUATION AND
DESIGN SERVICES; MINORITY
OVERPRESENTATION REPORT; ADULT
REDESIGN; PROBATION/PAROLE SANCTIONING
PATTERNS AND OUTCOMES; INTERCHANGE
EVALUATION; RECIDIVISM PROGRAMS;
DEPARTMENTAL COLLABORATION ON
SERVICES FOR OFFENDERS WITH MENTAL
ILLNESS, RETARDATION AND/OR
DEVELOPMENTAL DISABILITIES; OREGON
YOUTH AUTHORITY AND DEPARTMENT OF**

CORRECTIONS BUDGET ALLOCATIONS FOR COMMUNITY CORRECTIONS.

There being no further business, the meeting was adjourned at 10:38 a.m.

Tuesday, January 30, 2001 - 10:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

LAND USE PLANNING

Chair Beverly Stein convened the meeting at 10:52 a.m., with Vice-Chair Lisa Naito, and Commissioners Diane Linn, Serena Cruz and Lonnie Roberts present.

- P-1 Reopened Public Hearing and Decision on CU 00-02, Denial of a Conditional Use Permit Application for Development Within Howell Territorial Park on Property Located at 13901 NW HOWELL ROAD, PORTLAND. (Decision Continued from 10/26/00, Reset from 12/07/00, Decision Continued and Public Hearing Reopened 01/04/01).

CHAIR STEIN EXPLAINED QUASI-JUDICIAL PROCESS. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE OF BIAS OR PRE-JUDGMENT OF THIS CASE, NONE WERE DISCLOSED. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE OF POTENTIAL OR ACTUAL CONFLICTS OF INTEREST, NONE WERE DISCLOSED. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE OF EX PARTE CONTACTS, COMMISSIONER LINN DISCLOSED SHE RECEIVED EMAILS WHICH SHE FORWARDED TO PLANNER DERRICK TOKOS AND THAT SHE HAD A CONVERSATION WITH METRO STAFF WHICH WOULD NOT BIAS HER DECISION. COMMISSIONER NAITO AND CHAIR STEIN DISCLOSED THEY RECEIVED EMAILS WHICH THEY FORWARDED TO PLANNER DERRICK TOKOS. COMMISSIONERS CRUZ AND ROBERTS DISCLOSED THEY RECEIVED EMAILS WHICH THEY DELETED. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE OF SITE VISITS, COMMISSIONER LINN DISCLOSED

HER STAFF ASSISTANT LAURA BRIDGES ATTENDED JANUARY 17, 2001 MEETING WITH METRO, COUNTY AND SAUVIE ISLANDERS WHICH WOULD NOT BIAS HER DECISION. AT CHAIR STEIN'S REQUEST FOR DISCLOSURE OF CHALLENGES AND/OR OBJECTIONS, NONE WERE OFFERED.

COUNTY PLANNER DERRICK TOKOS PRESENTED STAFF REPORT AND CASE HISTORY, ADVISING THIS IS AN APPEAL OF THE MAY 17, 2000 HEARING OF METRO'S CONDITIONAL USE PERMIT APPLICATION FOR DEVELOPMENT WITHIN HOWELL TERRITORIAL PARK WHICH RESULTED IN THE JULY 2, 2000 HEARINGS OFFICER DENIAL. THE BOARD HEARD THE DE NOVO APPEAL ON MAY 26, 2000 AND THE DECISION WAS CONTINUED TO DECEMBER 7, 2000, RESCHEDULED TO JANUARY 4, 2001 AND CONTINUED TO TODAY IN ORDER TO ALLOW THE PARTIES TO WORK TOGETHER, PER BOARD REQUEST, TO RESOLVE THE THREE REMAINING ISSUES RELATING TO WHETHER METRO HAS SHOWN THAT PROPOSED IMPROVEMENTS WILL NOT CHANGE OR SIGNIFICANTLY INCREASE COSTS OF ACCEPTED FARM PRACTICES ON SURROUNDING LANDS, INCLUDING TRAFFIC INTERFERENCE WITH SEASONAL HARVESTS, CROP DELIVERY AND APPLICATION OF PESTICIDES AND HERBICIDES; WHETHER METRO HAS SHOWN THAT EXISTING ACCESS TO THE PARK WILL BE SAFE; AND WHETHER METRO HAS SHOWN THAT ADEQUATE FIRE PROTECTION IS AVAILABLE FOR PROPOSED EXPANSION, INCLUDING DESCRIPTION OF EMERGENCY SERVICE DEMANDS TO ADDRESS SAUVIE ISLAND FIRE DISTRICT CONCERNS, AND THAT EMERGENCY SERVICES WILL NOT REQUIRE FIRE SERVICE BEYOND WHAT IS CURRENTLY AVAILABLE. MR. TOKOS REPORTED THAT METRO HAS NOT REVISED ITS APPLICATION FOLLOWING THE REVISED

**SUPPLEMENTAL FINDINGS PRESENTED ON
JANUARY 4, 2001.**

**IN RESPONSE TO A QUESTION OF CHAIR STEIN,
COUNTY ATTORNEY SANDRA DUFFY REPORTED
THAT HEARINGS OFFICER LIZ FANCHER
ATTENDED THE OCTOBER 26, 2000 DE NOVO
HEARING, BUT IS NOT HERE TODAY.**

**METRO COUNSEL KENNETH HELM
INTRODUCED EXECUTIVE OFFICER MIKE
BURTON AND PLANNER LORA PRICE. MR.
HELM REPORTED THAT WHILE METRO
CONTINUES TO STAND BEHIND ITS MASTER
PLAN ADOPTED APRIL 17, 1997, THAT METRO
MET WITH SAUVIE ISLAND NEIGHBORS TO TRY
TO WORK OUT THE REMAINING ISSUES, AND
METRO HAS CONCLUDED THAT A BOARD
DETERMINATION ON WHETHER METRO HAS
MET THE LEGAL REQUIREMENTS OF THE
THREE REMAINING CONDITIONS MAY BE THE
ONLY ALTERNATIVE. MR. HELM SUGGESTED
THAT THE DECISION COULD ALSO BE
CONTINUED TO A SEPTEMBER DATE CERTAIN
TO ALLOW THE COUNTY TASK FORCE ON THE
WEST OF SANDY RIVER RURAL AREA PLAN TO
COMPLETE ITS WORK, AND THAT COUNTY
STAFF COME BACK TO THE BOARD IN JUNE
WITH A DRAFT PARK ZONE AND PLAN
AMENDMENT TO THE COUNTY LAND USE
ORDINANCE WHICH WOULD PROVIDE ONE SET
OF UNIFORM DEVELOPMENT STANDARDS FOR
PARK LANDS IN UNINCORPORATED
MULTNOMAH COUNTY, WHICH METRO COULD
ASSIST IN DRAFTING. MR. HELM SUGGESTED
THAT METRO COULD THEN BRING A NEW
APPLICATION FORWARD, PROVIDING
ADDITIONAL OPPORTUNITY FOR CITIZEN
INPUT, OR THAT THE BOARD COULD CLOSE
TODAY'S HEARING, CLOSE PUBLIC INPUT,
PROVIDE A ONE WEEK CONTINUANCE IN
ORDER TO REVIEW SUBMISSIONS TO DATE,
THEN WORK OUT A DECISION REGARDING**

**METRO'S CURRENT APPLICATION WITH THE
REVISED SUPPLEMENTAL FINDINGS
PRESENTED ON JANUARY 4, 2001.**

MIKE BURTON COMMENTED IN SUPPORT OF METRO MASTER PLAN, ADVISING HE FELT IT BEST MET THE NEEDS OF THE CITIZENS. MR. BURTON ADDED THAT AS THE PROPERTY IS NOT PRESENTLY ZONED FOR PARK BUT EXCLUSIVE FARM USE, HE SUPPORTS A CONTINUANCE TO SEPTEMBER TO ALLOW THE COUNTY TASK FORCE ON THE WEST OF SANDY RIVER RURAL AREA PLAN TO COMPLETE ITS WORK.

IN RESPONSE TO A REQUEST OF CHAIR STEIN, ATTORNEY DAN KEARNS, REPRESENTING THE SAUVIE ISLAND BOOSTERS, INTRODUCED LORA CRESWICK AND IN RESPONSE TO METRO'S REQUEST FOR CONTINUANCE, ADVISED THAT A LOT OF FOLKS HERE TODAY WANTED AN OPPORTUNITY TO SPEAK. [42 SPEAKER CARDS WERE SUBMITTED AND WRITTEN TESTIMONY WAS SUBMITTED FOR RECORD.]

COMMISSIONER NAITO ADVISED SHE APPRECIATES THAT EVERYONE CAME TODAY, BUT SUGGESTED THAT EVERYONE BE NOTIFIED TO PARTICIPATE AT ANOTHER DATE. CHAIR STEIN ADVISED SHE PREFERS NO PUBLIC TESTIMONY TODAY AS IT MAY NOT BE PERTINENT TO THE ISSUES BEFORE THE BOARD. IN RESPONSE TO A QUESTION OF CHAIR STEIN, COUNTY ATTORNEY SANDRA DUFFY ADVISED THAT ALTHOUGH THE COMMISSIONERS ARE PRECLUDED FROM DISCUSSING THE QUASI-JUDICIAL ISSUES RELATING TO THIS APPEAL, COMMISSIONER LINN COULD DISCUSS PARK ZONING LEGISLATIVE ISSUES WITH THE SAUVIE ISLAND RESIDENTS. COMMISSIONER LINN ADVISED SHE WOULD BE HAPPY TO STAY AND

DISCUSS THOSE ISSUES WITH FOLKS AFTERWARDS.

COMMISSIONER LINN EXPRESSED CONCERN THAT THE PARTIES MIGHT BE BACK HERE IN SEPTEMBER WITH THE SAME ISSUES. MR. HELM AND MR. BURTON ASSURED COMMISSIONER LINN THAT IF THE COUNTY PROCEEDS WITH UNIFORM DEVELOPMENT STANDARDS FOR PARK LANDS, METRO WOULD ULTIMATELY WITHDRAW ITS APPLICATION. MR. KEARNS SUGGESTED THAT METRO WITHDRAW ITS APPLICATION NOW, ADVISING THE WORK WAS NOT DONE IN VAIN AND IT WOULD MAKE HIS CLIENTS HAPPY. CHAIR STEIN COMMENTED IN SUPPORT OF THE PARK PLAN PROCESS AND SUGGESTED THE CONTINUANCE BE TO AN EVENING HEARING ON SAUVIE ISLAND TO ACCOMMODATE ALL THE FOLKS WHO CAME OUT TODAY. COMMISSIONER LINN QUESTIONED WHETHER ONE MONTH WAS ENOUGH TIME FOR METRO'S REQUESTED CONTINUANCE. MR. BURTON RESPONDED THAT A WEEK IS MORE THAN ENOUGH TIME TO PROCESS AND RESPOND TO MATERIALS RECEIVED TODAY, AND ADVISED THE BOARD THAT METRO WANTS TO RESERVE, AS OWNER OF THE PROPERTY, THE RIGHT THAT IT CAN CONSULT WITH THE BOARD AND SELL THE PROPERTY FOR PUBLIC USE. IN RESPONSE TO QUESTIONS OF CHAIR STEIN, MS. DUFFY REPORTED THAT METRO WANTS TO LEAVE BOTH DOORS OPEN, SO THEY CAN GO FORWARD WITH THE APPEAL OR WITHDRAW APPLICATION; AND THAT IN SEPTEMBER THE COUNTY WOULD BE CLOSER TO HAVING THE PARK ZONE PROCESS COMPLETED. IN RESPONSE TO QUESTIONS OF CHAIR STEIN AND COMMISSIONER LINN, MR. BURTON ADVISED THAT METRO IS NOT INTERESTED IN MAKING OTHER CHANGES TO ITS APPLICATION, BUT WOULD CONTINUE MAINTAINING THE PARK AS IS AND OPERATING

IT AT A MINIMUM UNTIL RESOLUTION OF A PARK ZONE PROCESS OR THE APPLICATION APPEAL.

IN RESPONSE TO QUESTION OF CHAIR STEIN, PLANNER SUSAN MUIR REPORTED THE WEST OF SANDY RIVER RURAL AREA PLAN PROCESS IS ON TRACK TO GO TO THE PLANNING COMMISSION IN JUNE AND TO THE BOARD IN SEPTEMBER. MS. MUIR ADDED THAT THEY HAD NOT EXPECTED TO PROVIDE DETAILED PARK USE, BUT THAT THEY COULD DO SO. BOARD CONSENSUS THAT THEY DO SO.

UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER LINN, IT WAS UNANIMOUSLY APPROVED TO CONTINUE THE HEARING TO 6:30 PM, TUESDAY, SEPTEMBER 18, 2001, AND THAT THE EVENING HEARING TO BE HELD ON SAUVIE ISLAND. MR. HELM WAIVED THE CLOCK THROUGH SEPTEMBER 18, 2001.

There being no further business, the meeting was adjourned at 11:36 a.m.

[VIA LETTER DATED AUGUST 17, 2001, METRO ADVISED THE COUNTY THAT THE PARK ZONE AND PLAN AMENDMENT APPROACH WOULD NOT REMEDY SAUVIE ISLAND RESIDENTS' CONCERNS WITH THE PENDING HOWELL TERRITORIAL PARK APPEAL, AND REQUESTED THAT THE BOARD RESCHEDULE THE SEPTEMBER 18, 2001 HEARING IN ORDER TO GIVE METRO TIME TO PURSUE GRANT FUNDING FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT TO HIRE AN IMPARTIAL MEDIATOR TO WORK THROUGH THE REMAINING ISSUES. VIA LETTER DATED AUGUST 28, 2001, METRO WAIVED THE CLOCK THROUGH JANUARY 15, 2002. THE HEARING WAS RESCHEDULED TO 6:30 PM, TUESDAY, JANUARY 15, 2002 AT SAUVIE ISLAND.]

Thursday, February 1, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Vice-Chair Lisa Naito, convened the meeting at 9:30 a.m., with Commissioners Diane Linn, Serena Cruz and Lonnie Roberts present, and Chair Beverly Stein excused.

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER LINN,
SECONDED BY COMMISSIONER CRUZ, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)
WAS UNANIMOUSLY APPROVED.***

SHERIFF'S OFFICE

C-1 Off Premise Sales Liquor License Renewal for ROCKY POINTE MARINA,
23586 NW St Helens Highway, Portland

PUBLIC CONTRACT REVIEW BOARD

C-2 ORDER Exempting from the Formal Competitive Bid Process the Extension
of Contracts with Rex Heating and Tri County Furnace until June 30, 2001

ORDER 01-012.

REGULAR AGENDA

PUBLIC COMMENT

Opportunity for Public Comment on Non-Agenda Matters. Testimony
Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

NON-DEPARTMENTAL

R-1 Health Inspections Report to Management Presentation by Auditor Suzanne
Flynn, with Craig Hunt, Janis Hull, and Lila Wickham.

SUZANNE FLYNN INTRODUCED JANIS HULL. CRAIG HUNT, LILA WICKHAM AND DAVE HOUGHTON. AUDITOR SUZANNE FLYNN AND ENVIRONMENTAL HEALTH MANAGER LILA WICKHAM PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION OF THE AUDIT FINDINGS, INCLUDING DIVISION'S WORK ON DEVELOPMENT OF DATA SYSTEM FIRST STAR TO ACCURATELY MANAGE DATA; OREGON ADMINISTRATIVE RULES; REMITTANCE FEE COLLECTED FOR STATE; FOOD AND DRUG ADMINISTRATIVE CODE; AND FOOD SERVICE ADVISORY COMMITTEE. MS. WICKHAM ADVISED THE DIVISION CONDUCTS APPROXIMATELY 8,000 INSPECTIONS ANNUALLY, INCLUDING RESTAURANT, FOOD PREPARATION, DAY CARE, SWIMMING POOLS, TOURIST/TRAVEL INDUSTRY, ADULT CARE HOMES AND VECTOR CONTROL.

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

R-2 Results from RESULTS: DSCD Employee Recognition Process Improvement Team. Presented by Judith Mandt.

JUDITH MANDT INTRODUCED FELLOW TEAM MEMBERS JOYCE RESARE, LISA RAND, GARY CLIFFORD, MIKE OSWALD, SARAH BERAHRMAND, MATT RAK, BOB ALCANTARA, MOLLY JACKSON AND SHARON JOHNSON. LISA RAND, JOYCE RESARE AND JUDITH MANDT PRESENTATION ON TEAM REPORT AND RECOMMENDATION TO IMPLEMENT EMPLOYEE RECOGNITION PROGRAMS WITHIN EACH DEPARTMENT, AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT.

R-3 Results from RESULTS: Tax Appraisal Division. Presented by Bob Ellis.

PROPERTY VALUATION MANAGER BOB ELLIS AND CHIEF APPRAISER RESIDENTIAL RANDY WALRUFF PRESENTATION OF COUNTY STAFF

**DEVELOPMENT OF NEW SOFTWARE SYSTEM
MACROS THAT ALLOWS APPRAISERS TO ENTER
DATA IN ABOUT ONE MINUTE AS OPPOSED TO
ONE HOUR, AND RESPONSE TO BOARD
QUESTIONS AND COMMENTS IN SUPPORT.
FELLOW TEAM MEMBERS BOB MILLS, JIM
SELLARS, KIM KNIFKE AND DARLENE RABJOHN
WERE INTRODUCED AND ACKNOWLEDGED.**

- R-4 Columbia River Gorge Commission Proposed Strategy and Timeline for Completing Monitoring Reports and Initiating Management Plan Review and Revision. Presented by Claire Puchy.

**MULTNOMAH COUNTY GORGE COMMISSION
REPRESENTATIVE ANNE SQUIRE INTRODUCED
GORGE COMMISSION EXECUTIVE DIRECTOR
CLAIRE PUCHY AND COUNTY PLANNER SUSAN
MUIR. MS. SQUIRE AND MS. PUCHY
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS, COMMENTS IN SUPPORT AND
INPUT IN SUPPORT OF PUBLIC PROCESS AND
RECORD, AND NEED FOR COMMISSION TO
CONSISTENTLY ADDRESS ENFORCEMENT
IMPLEMENTATION AND COMPLIANCE
QUESTIONS.**

DEPARTMENT OF SUPPORT SERVICES

- R-5 RESOLUTION Authorizing Multnomah County Participation in the Homeownership Opportunity Initiative Program for County Employees and Retirees

**COMMISSIONER LINN MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-5. HUMAN RESOURCES DIRECTOR
FERNANDO CONILL, AARON PRINCE OF AFL-CIO
HOUSING INVESTMENT TRUST, SUE KRAKE OF
FANNIE MAE, AND DIANNE WASSON OF
HOMESTREET BANK, EXPLANATION,
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND COMMENTS IN SUPPORT OF
PROGRAM AND LEADERSHIP OF**

**COMMISSIONER LINN AND CHAIR STEIN.
RESOLUTION 01-013 UNANIMOUSLY APPROVED.**

There being no further business, the meeting was adjourned at 11:37 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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Email: lonnie.j.roberts@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD

CLERK DEB BOGSTAD @ (503) 988-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
PLEASE CALL THE BOARD CLERK
AT (503) 988-3277, OR MULTNOMAH
COUNTY TDD PHONE (503) 988-5040,
FOR INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

01/30/01 & 02/01/01

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 a.m. Tuesday DCJ Policy Briefing
Pg. 2	10:30 a.m. Tuesday Land Use Case CU 00-02 Hearing and Decision
Pg. 3	9:30 a.m. Thursday Health Inspections Audit
Pg. 3	9:45 & 9:55 a.m. Thursday DSCD PIT & Tax Appraisal Division RESULTS
Pg. 3	10:05 a.m. Thursday Columbia River Gorge Commission Briefing
Pg. 3	10:35 a.m. Thursday Participation in Homeownership Program Resolution
	The February 8, 2001 Regular Board Meeting has been cancelled
*	Board and Agenda Web Site: <a href="http://www.co.multnomah.or.us/cc/ind
ex.html">http://www.co.multnomah.or.us/cc/ind ex.html

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Saturday, 9:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Tuesday, 11:00 PM, Channel 30

Produced through Multnomah Community Television

Tuesday, January 30, 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-1 Department of Community Justice Policy and Performance Review.
Presented by Elyse Clawson and Joanne Fuller. 1 HOUR REQUESTED.

Tuesday, January 30, 2001 - 10:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

LAND USE PLANNING

P-1 Reopened Public Hearing and Decision on **CU 00-02**, Denial of a
Conditional Use Permit Application for Development Within Howell
Territorial Park on Property Located at 13901 NW HOWELL ROAD,
PORTLAND. (Decision Continued from 10/26/00, Reset from 12/07/00,
Decision Continued and Public Hearing Reopened 01/04/01) 1.5 HOURS.

Thursday, February 1 2001 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

SHERIFF'S OFFICE

C-1 Off Premise Sales Liquor License Renewal for ROCKY POINTE MARINA,
23586 NW St Helens Highway, Portland

PUBLIC CONTRACT REVIEW BOARD

C-2 ORDER Exempting from the Formal Competitive Bid Process the Extension
of Contracts with Rex Heating and Tri County Furnace until June 30, 2001

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NON-DEPARTMENTAL - 9:30 AM

- R-1 Health Inspections Report to Management Presentation by Auditor Suzanne Flynn, with Craig Hunt, Janis Hull, and Lila Wickham. 15 MINUTES REQUESTED.

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 9:45 AM

- R-2 Results from RESULTS: DSCD Employee Recognition Process Improvement Team. Presented by Judith Mandt. 10 MINUTES REQUESTED.
- R-3 Results from RESULTS: Tax Appraisal Division. Presented by Bob Ellis. 10 MINUTES REQUESTED.
- R-4 Columbia River Gorge Commission Proposed Strategy and Timeline for Completing Monitoring Reports and Initiating Management Plan Review and Revision. Presented by Claire Puchy. 30 MINUTES REQUESTED.

DEPARTMENT OF SUPPORT SERVICES - 10:35 AM

- R-5 RESOLUTION Authorizing Multnomah County Participation in the Homeownership Opportunity Initiative Program for County Employees and Retirees

Meeting Date: JAN 30 2001
Agenda No: P-1
Est. Start Time: 10:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reopened Public Hearing and Decision on **CU 00-02**, Denial of a Conditional Use Permit Application for Development Within Howell Territorial Park on Property Located at 13901 NW HOWELL ROAD, PORTLAND (decision continued from 10/26/00 and reset from 12/07/00 and decision continued and public hearing reopened 01/04/01).

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

JANUARY 30, 2001

REGULAR MEETING Date Requested:
 Amt. of Time Needed:

FEBRUARY 1, 2001
1.5 Hours

DEPARTMENT: DES
CONTACT: Derrick Tokos

DIVISION: Land Use Planning
TELEPHONE: 988-3043
BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Derrick Tokos

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☐ Approval ☒ Other

SUGGESTED AGENDA TITLE

Reopened Public Hearing and Decision on **CU 00-02**, Denial of a Conditional Use Permit Application for Development Within Howell Territorial Park on Property Located at 13901 NW HOWELL ROAD, PORTLAND (decision continued from 10/26/00 and reset from 12/07/00 and decision continued and public hearing reopened 01/04/01).

SIGNATURES REQUIRED

Reviewed by: _____

Elected Official: _____

or

Department Manager: slm KB Maria Pajo de Steffen


BOARD OF
COUNTY COMMISSIONERS
JAN 24 PM 12:03
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988-3389
<http://www.multnomah.lib.or.us/lup>

MEMORANDUM

To: Board of County Commissioners

From: Derrick I. Tokos, Staff Planner 

Date: January 23, 2001

RE: Current Status of the Howell Territorial Park Conditional Use Permit Application

On January 16, 2001 representatives from Metro and the Sauvie Island Boosters met to discuss the Boosters concerns with the application. Traffic impacts attributed to the park expansion and the need for new picnic shelters were topics that were discussed in some length at the meeting. The meeting concluded with Metro representatives indicating that they would get back to the Boosters early this week as to whether or not they will revise their application in response to the issues raised, or request that the Board delay further action on the appeal to allow time for additional meetings. To date, we have not received feedback from Metro as to their intended course of action.

Since Metro has not revised their application following the meeting with the Board of County Commissioners meeting on January 4, 2001, the hearing packet materials enclosed are substantially the same as those that we previously provided. The Exhibit List has been revised to include materials submitted to the record since the 4th, and the dates on our other materials have been updated.

Any additional materials we receive from Metro or any other party will be presented to you directly at the January 30, 2001 public hearing.



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

CONTENTS OF THE BOARD PACKET

In addition to an updated Exhibit List, the following items are included in the packet for this January 30, 2001 Hearing (in the order listed):

<u>Exhibit</u>	<u>Pages</u>	<u>Description</u>
M10	2	Staff Seven Points Summary for the January 30, 2001 Hearing
L13	3	Key Issues And Recommendation Matrix Prepared By Staff for the January 4, 2001 Hearing
M11	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 30, 2001 Hearing
L15	11	Revised Supplemental Findings Prepared by Metro and Presented at the January 4, 2001 Hearing
L7	22	Metro analysis to support supplemental Findings prepared for the January 4, 2001 Hearing, with attachments
L10	4	Farm Management Plan for Howell Territorial Park prepared by Metro, Received December 26, 2000
L9	3	Fax letter from the Sauvie Island Fire Department, received December 20, 2000
L16	5	Revised December 13, 2000 letter from the Sauvie Island Boosters, Presented at the January 4, 2001 Hearing



MULTNOMAH COUNTY

BOARD HEARING: JANUARY 30, 2001

TIME: 10:30 AM

**CASE NAME: CONDITIONAL USE PERMIT FOR
HOWELL TERRITORIAL PARK**

NUMBER: CU 0-2

1. Applicant Name/Address:

METRO
Attn: Lora Price
600 NE Grand Avenue
Portland, Oregon 97232

2. Action Requested By Applicant:

A Conditional Use Permit application for development within Howell Territorial Park, as set forth in a Master Plan for the park adopted by the Metro Council, April 17, 1997.

Action Requested Of Board

☐ **Affirm Hearings Officer Decision**

☒ **Hearing/Rehearing**

Scope of Review

☐ **On the Record**

☒ **De Novo**

☐ **New Information Allowed**

3. Planning Staff Recommendation:

Approve, as conditioned, this Conditional Use Permit for development within Howell Territorial Park.

4. Hearings Officer Decision:

The application was denied based on findings and conclusions contained within the decision, which established that Metro had failed to show that proposed park improvements will not; (a) force significant change in, or significantly increase the costs of, accepted farm practices on surrounding farmland; (b) create hazardous traffic conditions and; (c) require public road and fire services beyond what exists or is programmed for the area.

5. If Recommendation And Decision Are Different, Why?

Metro has modified the application and prepared additional findings to address each deficiency identified by the Hearings Officer that led to the denial.

6. Issues:

Three issues remained unresolved at the conclusion of the October 26, 2000 hearing before the Board. The first was whether or not the Metro application contained evidence sufficient to show that proposed improvements to Howell Territorial Park will not force significant change in, or significantly increase the costs of accepted farm practices on surrounding lands. Secondly, there was the question of the safety of existing access to the park, considering the increased intensity of use expected as a result of park development. The final issue concerned the ability of the Sauvie Island Fire Department to provide adequate fire suppression and emergency service to an expanded park. As discussed in attached matrix, each of these issues has since been addressed by Metro.

A new issue not discussed at the October hearing involves a question raised by a Sauvie Island resident as to why ORS 215.283(2)(d) does not apply to this project. This statute contains the definition for park uses on EFU zoned lands, and reads as follows:

"Parks, playgrounds, or community centers owned by a governmental agency or nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120."

The underlined language was added following the 1999 legislative session, and is more restrictive than that which is included in our zoning code and referenced in the Hearings Officer decision under Finding #8. Initially, it was our understanding that the new language was effective March 9, 2000, the date it was added into the Oregon Administrative Rules (OAR 660-033-0120). Since this date was two months after the dated Metro filed this application; we did not believe it to be applicable to their request. However, after discussing the matter with a representative from the Department of Land Conservation and Development (DLCD) we understand that the change to the statute was effective October 23, 1999 (HB 3571), three months prior to Metro filing this application and; therefore, must be applied.

From our conversation with DLCD we understand that this new definition for park uses on EFU lands provides two options, that the park be operated primarily by and for residents of the local rural community or be established consistent with the provisions of ORS 195.120. It is the latter approach that we expect this application falls under. ORS 195.120 discusses planning rules for parks. With respect to local parks on agricultural land the statute is implemented through OAR 660-034-040. Essentially, this administrative rule provides that a local government need not adopt an exception to Statewide Planning Goal 3 (Agricultural Land) for uses listed in the rule, provided they are authorized in a local park master plan that is (a) adopted as part of the local comprehensive plan; (b) is prepared and adopted applying criteria comparable to those required for uses in state parks and; (c) includes findings demonstrating compliance with ORS 215.296 (i.e. findings of no significant adverse impact on farm uses and farm practices on surrounding farmed lands). We understand that it is under this provision that Metro proposes that this application be considered. A Finding is included in the Board packet to replace Finding #8 of the Hearings Officer decision. This new Finding explains how the park expansion satisfies the requirements of this administrative rule.

The Sauvie Island Boosters have submitted a letter containing additional issues. They request that the park expansion be scaled back, with picnic shelters, the new permanent parking area, and additional restroom facility all being recommended for removal. The Boosters stress that the park must be focused on farm heritage inherent to the site and area and note a need for an agricultural presence and farm plan for the park. Limitations of the Sauvie Island Bridge are also discussed.

7. Do Any Of These Issues Have Policy Implications? Explain.

Policy implications relate to implementation of Statewide Planning Goal 3, and the Exclusive Farm Use and Conditional Use sections of the County Zoning Ordinance. Statutes and case law cited in the Hearing's Officer decision make it expressly clear that new or expanded non-farm uses cannot be approved if they will significantly impact farm uses or accepted farming practices.

As for traffic issues, County regulations require all property owners to proportionally contribute to road improvements, when such improvements are necessary to accommodate new or expanded uses.

**Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2
THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING**

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
<p>1. Did Metro show that proposed improvements to Howell Territorial Park will not force significant change in, or significantly increase costs of accepted farm practices on surrounding lands devoted to farm use?</p> <p>Specifically, has Metro shown that vehicle traffic attributed to the park expansion will not interfere with seasonal harvests and crop delivery to market and that increased use of the park will not conflict with the application of pesticides and herbicides as currently practiced on adjoining farm land.</p>	<p>MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:</p> <p>***</p> <p>(3) Will not conflict with farm or forest uses in the area:</p> <p>(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and</p> <p>(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.</p>	<p>Metro met with island residents and farmers on November 16, 2000 and modified their application and prepared additional findings to satisfy this code requirement. They identified farm uses and accepted farm practices on surrounding lands and have analyzed how these uses and practices are likely to be impacted by proposed park development. As a result of this effort, they have shown that, as conditioned, an expansion of the park will not force significant change in, or significantly increase costs of accepted farm practices on surrounding lands devoted to farm use.</p> <p>Changes made to the application since the October public hearing include:</p> <ul style="list-style-type: none"> • The two events requested in addition to the Wintering Inn festival have been capped at 1000 persons, down from 4500. Further, each event is to be limited to two days in duration and the two events are to be timed to avoid peak harvest periods on the island, between August 15th and October 31st. • Metro has agreed to provide three week advance notice of upcoming events to surrounding property owners. • A plan for managing grazing activities within the park has been prepared Metro in consultation with Chip Bubl, Horticulturist, Oregon State University Extension Office (Exhibit L10). Metro has agreed to adhere to recommendations contained in this plan. • The potential for conflict between increased park use and pesticide drift from adjoining farms has been evaluated (Exhibit L7, Attachment A). As explained by Mr. Bubl, the distance between park uses and surrounding agricultural operations (600' to 2000') and existing tree lines, provide an adequate buffer against pesticide exposure. 	<p>Adopt findings of fact labeled Exhibit L11 in lieu of those contained in the Hearings Officer Decision relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit 14.</p> <p>The Hearings Officer found that this requirement had not been satisfied because the applicant failed to perform specific analysis based on detailed facts regarding area farm uses. Metro's revised findings address this deficiency.</p>



Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2
THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
2. Has Metro shown that <u>existing</u> access to the park will be safe, considering the increased intensity of use expected as a result of the proposed park improvements?	MCC 11.15.2026, Access, Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.	After further review of the Traffic Study and supplemental reports prepared by Kittelson and Associates, Inc., the County Transportation Division has determined that projected daily use of the park (300 persons) will not require a right turn lane onto Howell Park Road. Further, they have concluded that projected daily use, on existing roads, will not create an unsafe traffic condition.	Adopt findings of fact labeled Exhibit L11 in lieu of those contained in the Hearings Officer Decision relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit L14.
	MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:	The Transportation Division has indicated that, with revision, the Transportation Management Plan proposed by the applicant is adequate to ensure a safe traffic condition for each event where 300 or more participants are expected. Changes requested include confirmation from the Sheriff's Office that they are comfortable with their role as described in the plan, and that a traffic control plans be submitted to the Transportation Division on a case-by-case basis prior to each event.	The Hearings Officer determination that a right turn lane onto Howell Park Road was warranted was based on an application that failed to clearly define the size, duration, timing, and number of large events. Considering this, a worst case, maximum intensity of use scenario had to be assumed.
	***	Given this feedback, Metro had Kittleson and Associates revise the Transportation Management Plan to include changes requested by the Transportation Division (Exhibit L7, Attachment D). Comments from the Sheriff's Office were received December 9, 2000 (Exhibit L7, Attachment E).	Since then Metro has scaled back their proposal, such that not more than three events are to be permitted, two of which are to be capped each at 1000 participants over any two day period in late spring or summer prior to the harvest season (August 15th). As recommended by Transportation event traffic attributed to this scaled back proposal can be effectively handled with a Transportation Management Plan.
	(4) Will not require public services other than those existing or programmed for the area; *** (6) Will not create hazardous conditions	They also have requested changes to the plan, asking that a provision be added requiring that they be contacted 14 day in advance of pending events and that Metro agrees to absorb expenses incurred for the hiring of Sheriff's Office personnel beyond normal staffing levels. Metro has incorporated these changes into the plan.	

Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2

THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
<p>3. Has Metro shown that adequate fire protection is available for the proposed expansion of Howell Territorial Park?</p> <p>Specifically, has Metro; (a) described emergency service demands attributed to a park expansion in sufficient detail to address questions raised by the district in their September 6, 2000 letters and; (b) shown that the demand for emergency services will not require fire service beyond what is currently available from the Sauvie Island Fire Department.</p>	<p>MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:</p> <p>***</p> <p>(4) Will not require public services other than those existing or programmed for the area;</p>	<p>On November 14, 2000 Metro met with the Sauvie Island Fire Department Safety Action Committee to discuss emergency service needs attributed to the proposed expansion of Howell Territorial Park. Subsequently, in letters to the Fire Department dated November 15, 2000 and December 13, 2000 (Exhibit L7, Attachments F and G), Metro describes the level for emergency service that they expect will be needed given their experience in managing other parks in the region.</p> <p>In these letters they explains that by (a) scaling back the number, size, and duration of events from what they had previously proposed; (b) instituting a Traffic Management Plant to control traffic for the remaining events and; (c) agreeing to provide ambulance service for each event, Metro has taken steps to minimize their impact on the service requirements of the Fire Department.</p> <p>Metro has also indicated that park staffing will be increased to .5 FTE, providing a full time management presence at the park during peak seasonal use. The staff is to be trained in basic first aid, and first aid equipment will be available on-site. Implementation of these measures might also ease demand on the Fire Department.</p>	<p>Adopt findings of fact labeled Exhibit L11 relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit L14.</p> <p>At the October 26, 2000 hearing Metro explained that they are prepared to provide limited medical service at the park during summer weekends, with ambulance service for special events. However, at the time it was not clear that such actions would alleviate fire district concerns about their ability to adequately respond to life/safety issues attributed to increased use of the park (e.g. emergency accidents, health problems, drug overdose, etc.)</p> <p>A December 20, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department (Exhibit L9), indicates that the Department cannot support this application at this time. However, they also appear to indicate in this same letter that, assuming Metro's data is correct, the Department can meet fire suppression and emergency service demands attributed to Metro's <u>revised</u> park expansion application.</p>



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

January 30, 2001
10:30 AM

DRAFT MOTION FOR DE NOVO HEARING

In the matter of:

Case File CU 0-2

A Request for Condition Use Permit for development within Howell Territorial Park

I hereby move that, based on the record before us today, we accept the applicant's arguments as presented and adopt by reference the applicant's findings and conclusions in lieu of those contained in the Hearings Officer written decision that led to a denial of the application. All other findings contained in Hearings Officer written decision are accepted and adopted herein as part of our decision.

Further, we find it necessary to condition our approval of this application to ensure that the standards and criteria upon which the findings are based are satisfied. To this end we adopt by reference the conditions of approval dated January 23, 2001, presented before us this day by county staff.



January 23, 2001

Case #CU 0-2, Conditional Use Permit for Howell Territorial Park

Conditions of Approval:

1. This Conditional Use approval is based on the submitted written narrative and plans, and shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.
2. As necessary to ensure compliance with MCC 11.15.7120(A), which requires that proposed development not significantly impact farm uses and accepted farm practices on surrounding farmed lands, the applicant/owner shall:
 - a. Restrict bookings of picnic shelters to allow only one group per shelter per day with the total number of persons not to exceed 240 per day.
 - b. Limit its special events to three events per calendar year. Special events are any event involving 300 or more participants. Each event is to be limited to two days in duration. The two events other than the Wintering Inn Festival are to be capped at a maximum attendance of 1000 persons each, and are restricted to the timeframe of June 1st and August 15th of a given year.
 - c. Provide at least three weeks advance written notice of pending special events to all property owners or farm leaseholders within half a mile of Howell Territorial Park.
 - d. Repair and/or replace perimeter fencing, control noxious weeds in pasture areas and monitor and manage the pastures and the orchard consistent with the farm management plan submitted for the Board's January 4, 2000 meeting (Exhibit L10).
3. The applicant/owner shall submit evidence from the Oregon State Health Division, Drinking Water Program, establishing that the on-site private water system is suitable for public consumption. Such evidence shall be provided at time of Design Review.
4. As required to establish compliance with MCC 11.15.2018(A), the applicant/owner shall submit a copy of a recorded deed showing that the subject property conforms to the configuration approved with property line adjustment case #PLA 8-96.
5. Vehicular access to overflow parking areas is to be gated or otherwise restricted when not in use, and is prohibited during the wet season between November 1 and May 1 of a given year (MCC 11.15.7120(A)(2)).

6. As necessary to ensure compliance with MCC 11.15.7120(A)(4), requiring that new development not require public services other than those existing or programmed for the area the applicant/owner shall, prior to issuance of a building permit:
 - a. Dedicate 10 feet of right-of-way along the entire frontage of NW Sauvie Island Road. As part of this dedication, a 25-foot radius will be provided within the northeast and southeast quadrants of the Howell Park Road/NW Sauvie Island Road intersection. In addition, a 5-foot slope easement immediately east of the dedicated right-of-way will be granted for the sole purpose of roadway-related construction and Multnomah County owned utilities (i.e., storm drainage, and sewer).
 - b. Dedicate a 20 foot easement for bicycle/pedestrian facility in the location illustrated on the applicant's site plans
 - c. Agree not to remonstrate against the formation of a local improvement district for the purpose of roadway improvements or construction of the bicycle/pedestrian facility. The Right-Of-Way Permit Office should be contacted for instructions on how to complete this agreement (phone: 503-988-3582).
7. The applicant/owner shall implement the Transportation Management Plan contained in the traffic study and as amended by the December 19, 2000 submission from Kittelson & Associates for any event where 300 or more participants per day are anticipated (Attachment D, Exhibit L7). For those events requiring traffic controls, the applicant/owner shall apply for and obtain a special events permit from the Multnomah County Transportation Division (MCC 11.15.7120(A)(6)). The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event.
8. The applicant/owner shall provide on-site ambulance service for all special events. Additionally, a person trained in first aid/CPR shall be on-site for all weekends from June through September of each year (MCC 11.15.7120(A)(4) & (6)).
9. As required to establish compliance with MCC 11.15.6132(A), the applicant/owner shall use clean gravel when surfacing the new parking lot and is to construct the lot consistent with the design specification contained in the document titled Gravelpave² (Exhibit 18).
10. As required under MCC 11.15.7125, the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.

11. Off-street parking and loading lighting criteria (MCC 11.15.6134), design standards (MCC 11.15.6138), and landscaping/screening criteria (MCC 11.15.6140) are detailed requirements that are to be satisfied with Design Review.
12. Specification for any new signs shall be reviewed for compliance with sign criteria listed under MCC 11.15.7902 et. seq. at time of Design Review. No signs are to be placed within the public right-of-way without a permit from the Multnomah County Transportation Division.
13. This Conditional Use approval shall expire six years from the date a decision on this application is final, unless design review has been granted for all phases of development listed under Finding 14, and construction has either concluded or substantial construction has been determined pursuant to MCC 11.15.7110(C).

**Howell Territorial Park
Supplemental Findings
January 4, 2001**

Introduction

The Multnomah County Hearings Officer's decision in CU 0-2 was submitted to the County Clerk July 7, 2000. The applicant, Metro appealed that decision to the Multnomah County Board of Commissioners (Board) on July 19, 2000. The Board held a public hearing on October 26, 2000 to consider the appeal. Metro presented testimony and evidence that addressed issues raised by the Hearings Officer. That information included an October 10, 2000 information packet to the Board and a packet entitled "Metro Parks & Greenspaces Presentation Materials for Howell Territorial Park." Two Sauvie Island residents testified on farming issues but did not submit evidence or information to the Board. After closing the public hearing, the Board requested that Metro, county planning staff and Sauvie Island residents meet to resolve issues related to farming practices, traffic and fire district service. The Board, at its January 4, 2001 meeting considered supplemental information responding to the meetings with island residents and planning staff. Staff recommended approval with conditions.

These findings replace or supplement the findings of the Hearings Officer. The findings and attached conditions of approval demonstrate compliance with all applicable provision of the Multnomah County Zoning Ordinance and Comprehensive Plan.

5. Project Description

The project description remains the same as set forth in the Hearings Officer's report with the addition of the following. The original application requested two picnic shelters that would serve a total of 185 persons. Metro has modified this request to three picnic shelters; two for 60 persons each and one at 120 persons for a total maximum capacity of 240 persons. The applicant has restricted the number of special events held at the park to the existing Wintering-In Festival and two other events. The two other events will not exceed 1,000 participants and will be held prior to August 15th of each year.

6. Compliance with the Purpose of the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2002. The findings and evidence in the May 10, 2000 staff report on MCC 11.15.2002 are incorporated here by this reference. The Hearings Officer identified issues related to the management of Metro lands that are leased to Marge Tabor. Surrounding farmers stated concerns about the spread of noxious weeds from Metro land to their own. The Board finds that existing farm practices on Metro leased land are unrelated to the issue of whether the proposed improvements to Howell Territorial Park meet this code requirement. However, Metro has responded to those concerns by agreeing to implement a farm management plan that includes herbicide application, mending fences, and applying stock rotation to the pastures managed by Marge Tabor. The Board has required implementation of this plan as a condition of approval. With the application of the farm management plan, MCC 11.15.2002 is satisfied.

9. Accessory Uses Permitted in the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2014(B). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.20014(B) are incorporated here by this reference. At the Board's October 26, 2000 hearing, Metro provided evidence demonstrating that fences bordering the pastured areas of Metro's property have been repaired. The farm management plan submitted by Metro includes ongoing maintenance of perimeter fencing to reduce the incidence of neighbors' cows wandering onto Metro's property.

8.A. Uses Permitted in the Exclusive Farm Use Zone District Subject to Conditional Use Approval: MCC .2012(E), Parks, playgrounds or community centers owned and operated by a governmental agency.

The Board supplements the Hearings Officer's findings of compliance with MCC 11.15.2012(E). Howell Territorial Park is owned and operated by Metro, which is a governmental agency and local government for the purposes of ORS Chapters 197 and 215. Parks are conditional uses permitted in the Exclusive Farm Use zone under MCC 11.15.2012.

This code provision is based on ORS 215.283(2)(d) which was amended by the Oregon Legislature in 1999. Prior to 1999, the statute allowed "Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization." Former ORS 215.283(2)(d) (1997). In 1999, two provisions were added to the statute. House Bill 3571 added the phrase "and operated primarily by and for residents of the local rural community." Senate Bill 882 added the phrase "[a] public park may be established consistent with provisions of ORS 195.120." These new provisions appear to apply to the subject application because they became effective prior to the date Metro's application was deemed complete.

The question that the new provisions raise is whether all parks located on EFU zoned land must be operated solely by and for residents of the related rural community. The Board finds that the statute is unclear as to whether the new phrase "and operated primarily by and for residents of the local rural community" applies to parks and playgrounds or just to community centers. Two factors lead the Board to conclude that the new provision is intended to condition only the establishment of community centers in EFU zones. First, ORS 215.283(c) allows private parks and playgrounds in EFU zones. The reference to parks and playgrounds in ORS 215.283(2)(d) applies to other parks including government operated parks. The use of the disjunctive term "or" in the statute appears to separate parks and playgrounds from community centers. The new provisions appear to attach only to community centers. This would properly limit the establishment of community centers to those operated by and for the residents of the local community, but not the establishment of other parks or playgrounds.

Second, the other 1999 amendment to ORS 215.283(2)(d) expressly allows the establishment of state and local parks in EFU zones under ORS 195.120. This statute does not contain any limitation on the operation of those parks. The state administrative rules that implement ORS 195.120 define local parks as "a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is

designated as a public park in the applicable comprehensive plan and zoning ordinance.” OAR 660-034-0010(8). Thus, local parks under ORS 195.120 include parks operated by a regional government such as Howell Territorial Park. State and local parks are typically operated both for rural residents and other residents of the entire state or region. To interpret the phrase “operated primarily by and for residents of the local rural community” to forbid the establishment or modification of state, regional and local parks on EFU lands that are not operated by the rural community would render the phrase “[a] public park may be established consistent with provisions of ORS 195.120.” superfluous.

For these reasons, the Board interprets ORS 215.823(2)(d) in a way that gives meaning to all parts of the statute. That interpretation correctly conditions only community centers to be “operated primarily by and for residents of the local rural community.” Since the proposed improvements to Howell Territorial Park do not establish a community center, the Board finds that the statute allows approval of Metro’s application as a conditional use in the EFU zone.

In the alternative, the Board finds that the Howell Territorial Park Master Plan complies with ORS 195.120 and OAR Chapter 660, Division 34. State statute expressly authorizes the establishment of state and local parks, including regional parks in exclusive farm use zones. In 1997 the Board adopted the Sauvie Island / Multnomah Channel Rural Area Plan. The rural area plan is part of the county’s comprehensive plan. It contains policies and strategies for implementing those policies. Policy 42 of the rural area plan requires the county to make recommendations and participate with Metro in the planning of Howell Territorial Park.

The Board is fulfilling this policy objective through its participation in reviewing Metro’s current application. The Howell Territorial Park Master Plan is a comprehensive set of land use policies that support the cultural, historical and recreational use of the park consistent with the EFU zone. For the reasons set forth below, the Board adopts the Howell Territorial Park Master Plan as the applicable planning document to guide the future use of Howell Territorial Park.

The Howell Territorial Park Master Plan contains uses that are permitted in EFU zones under OAR 660-034-0035(2). The proposed trails are permitted under OAR 660-034-0035(c). The proposed picnic shelters are allowed under OAR 660-034-0035(b). The proposed parking lot, overflow parking, restrooms and admission booth are consistent with OAR 660-034-0035(f). The proposed changes to the historic barn are consistent with ORS 215.283(2)(w) which allow living history museums in EFU zones. The purpose for the barn improvements are to promote, expand and upgrade the existing museum space in the barn and to provide kitchen and office facilities to support the museum space. The Board finds that these uses are consistent with the “limited commercial activities and facilities that are directly related to the use and enjoyment” of the barn as a place to display the implements and information on early agricultural life in the county. ORS 215.283(2)(w).

The Board also finds that the Howell Territorial Park Master Plan is consistent with applicable statewide planning goals. The Master Plan demonstrates that the Master Planning process included extensive public participation in compliance with Goal 1. That process invited dialogue with Sauvie Island residents and provided two workshops during the development of the plan. A Project Advisory Committee was created to provide independent review of the plan as it

progressed. Six of the eight members of the committee were Sauvie Island residents.¹ When the draft Master Plan was complete, it was distributed for public comment. The plan received extensive review in public forums at Metro and was presented to this Board in 1997.

Consistent with Goal 2, these supplemental findings and the findings of the Hearings Officers demonstrate that the Howell Territorial Park Master Plan complies with all applicable policies of the county comprehensive plan and zoning ordinance. Those findings are incorporated here by this reference. The Board has also coordinated with Metro in adopting the Howell Territorial Park Master Plan. No other local government requested to coordinate on this application.

Parks are conditional uses allowed in EFU zones. Consistent with Goal 3, the Howell Territorial Park Master Plan demonstrates that the proposed uses will be compatible with surrounding farm uses and practices. The Hearings Officer's findings, as amended by these supplemental findings of compliance with MCC 11.15.7120(A)(3), and (3)(a & b) are incorporated here by this reference. Metro has identified potential impacts on farm practices. The Board does not consider these impacts to be significant to the extent that they would require changes to farming practices or increase the cost of those practices.

The May 10, 2000 staff report identifies all relevant issues related to Goals 5, 6 and 7. Those findings are incorporated here by this reference.²

The Howell Territorial Park Master Plan is consistent with Goal 8 by supporting recreational and education opportunities appropriate to the historic site. The improved access to the park proposed by the application will allow for increased public enjoyment of the park grounds by all county residents.

The Board finds that the Howell Territorial Park Master Plan is consistent with Goal 12. Metro's traffic impact study submitted by Kittelson & Associates and reviewed by the County Transportation Department demonstrate that park improvements will not have a significant impact on Sauvie Island Road. The County Transportation Department has reviewed and approved the Traffic Management Plan ("TMP") as amended by Metro's December 19, 2000 submittal from Kittelson & Associates. The effectiveness of the TMP is demonstrated in the Board's findings of compliance for MCC 11.15.7120(A)(3) and (A)(3)(a & b). Those findings are incorporated here by this reference. The combination of the TMP and the conditions the Board has imposed related to transportation ensure that the safety and efficiency of Sauvie Island Road will not be significantly affected by the proposed improvements to Howell Territorial Park.

The Board finds that the procedures and criteria used to develop the Howell Territorial Park Master Plan are comparable to those that apply to state parks Master Planning under OAR 736, Division 18. The process for developing the Howell Territorial Park Master Plan is very similar to the procedures required under OAR 736-018-0015. Sections 1-5 of this rule required assessment of the current conditions of the park land and potential for recreational, cultural and natural resources to be properly utilized in the park. Chapter 1 and 2 of the Howell Territorial

¹ Howell Territorial Park Master Plan at p. 7 and October 30, 2000 letter from Charles Ciecko.

² May 10, 2000 staff report at p. 18-19.

Park Master Plan discuss the physical, hydrological, natural, cultural, recreational and educational opportunities at the park. The Board finds that the Master Plan's analysis is comparable to OAR 736-018-0015(1-5).

Sections 7-10 and 16-22 of the administrative rule require public participation through advisory committees and public meetings. The public involvement for Howell Territorial Park Master Plan is discussed in the Board's findings of consistency with Goal 1. Those findings are incorporated here by this reference. The Board finds that Metro's public involvement program for the Howell Territorial Park Master Plan process is comparable to the requirements of OAR 736-018-0015(7-10) and (16-22).

Sections 11 – 15 of the rule require an assessment of potential impacts to the surrounding area that may result from new park uses. Chapters 3 and 4 of the Howell Territorial Park Master Plan detail the components of the Master Plan and how the plan will be implemented. The application before the Board refines the Master Plan and analyzes potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference.

The Board finds that the Howell Territorial Park Master Plan adequately protects and manages the identified resources of the park comparable to the requirements of OAR 736-018-0020(2). This rule requires the protection and management of important natural resources from inappropriate park use. Chapter 3 of the Howell Territorial Park Master Plan and Metro's application identify the Goal 5 natural resources located in the park. The proposed improvements to the park identified in the Master Plan and application do not propose development in or near these resources. The Board's findings on consistency with Goal 5 are incorporated here by this reference. The Board finds that this analysis is comparable to that required by OAR 736-0018-0020(2)(a & d).

The rule requires Master Plans to protect important cultural resources and provide recreational opportunities. The primary objective of the Howell Territorial Park Master Plan is to protect the Bybee Howell house and historic grounds. The method of protection is to provide public access for cultural, historical, scenic and recreational purposes.³ For these reasons, the Board finds that the Howell Territorial Park Master Plan and Metro's application accomplish the same objectives as OAR 736-018-0020(2)(b, c, e & f).

The administrative rule also requires interpretive facilities for the natural, cultural and recreational resources at parks. The Howell Territorial Park Master Plan provides Education / Interpretive Programs that includes information, signage, guided and self tours, workshops and events for the purpose of communicating the historic and cultural importance of the Bybee Howell house and grounds. The Board finds that the Master Plan is comparable to the requirements of OAR 736-018-0020(2)(g).

³ Howell Territorial Park Master Plan at p.5.
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Supplemental Findings
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The administrative rule finally requires that potential impacts from park use on surrounding lands and transportation facilities be mitigated. The Howell Territorial Park Master Plan and application describe the potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference. The Board has also found the Master Plan to be consistent with all applicable statewide planning goals. Those goal findings are incorporated here by this reference. For these reasons, the Board finds that the Howell Territorial Park Master Plan and application are comparable to the requirements of OAR 736-018-0020(2)(h-l).

Compliance with ORS 195.120 and OAR 660-034-0040 also requires a demonstration of compliance with ORS 215.296. The Board's findings of compliance with MCC 11.15.7120(A)(2), (A)(3) and (A)(3)(a & b) demonstrate compliance with this requirement. Those findings are incorporated here by this reference.

12. Compliance With MCC 11.15.2026, EFU Access Requirements

These findings supplement the Hearings Officer's findings on compliance with MCC 11.15.2026. Metro's traffic impact analysis and submissions at the Board's October 26, 2000 hearing demonstrate that the existing intersection of Sauvie Island Road and Howell Park Road is adequate to accommodate the traffic anticipated as a result of the proposed improvements. At the October 26, 2000 hearing, the Board discussed whether a right hand turn lane from Sauvie Island Road is necessary to support this application. An October 18, 2000 analysis by Kittelson & Associates demonstrates that at projected peak use, the anticipated level of traffic does not warrant the construction of a right hand turn lane. The Board accepts this analysis as the best evidence demonstrating the sufficiency of the current intersection. In later meetings with Metro the County's Transportation Department, agreed that a right hand turn lane is not necessary at this time, provided that Metro's Traffic Management Plan (TMP) is fully implemented as amended in Metro's December 19, 2000 submission to the Board. The Transportation Department agrees that the amended TMP will insure that the intersection remains safe and functional during special events like the Wintering-In festival. Based on this evidence, the Board finds that MCC 11.15.2026 is satisfied.

15.B. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria: MCC .7120(A)(2), Will not adversely affect natural resources.

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(2). Facts contained in the May 10, 2000 staff report identify natural areas near the proposed improvements. The staff report states that Metro's proposal does not include any significant development adjacent to identified natural areas. The Board accepts those findings of fact here by this reference.

The Hearings Officer stated concerns that overflow parking for special events in the turf fields had the potential to contaminate a nearby wetland. However, there is no evidence of such contamination occurring in the past in these areas. In an October 10, 2000 submission from

Metro, the applicant provided additional facts that demonstrate that the wetlands are not in danger of contamination during the brief seasonal use that the overflow parking would occur. The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year. Those events will only occur during the summer when there is little chance that contaminants will be washed onto surrounding lands. In an October 26, 2000 staff report to the Board, staff concluded that Metro's additional evidence showed that the overflow parking will have no measurable impact on nearby wetlands. The Board finds that the evidence provided by Metro addresses the Hearings Officer's concerns and adequately satisfies MCC 11.15.7120(A)(2).

15.C, D and E.

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3), Will not conflict with farm or forest uses in the area.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(a), Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(b), Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A), .7120(A)(3)(a) and .7120(A)(3)(b). For the reasons set forth below, the Board finds that the proposed park improvements will be consistent with farm uses in the area and will not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. There are no identified forest practices on lands surrounding the park.

The Hearings Officer found that Metro's application did not contain enough information to complete the analysis required by these code sections. At the Board's October 26, 2000 hearing and in subsequent submissions, Metro has provided supplemental analysis that satisfies these code sections.

Metro's December 19, 2000 submission pages 2 – 5 identifies the farming uses and practices on all surrounding lands within ½ mile of the park. The Board adopts and incorporates those findings of fact here by this reference.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

In Metro's October 10, 2000 submission to the Board, the farmers on surrounding lands did not indicate that they felt that the park improvement would cause a significant change or increase in the cost of their farming practices. Metro's impacts analysis included in its December 19, 2000 submission demonstrates that although the park improvements will have some impacts on surrounding farm practices, none of the impacts will force a significant change in farm practices or significantly increase the cost of accepted farm practices on surrounding lands. The Board agrees.

Three potential impacts were identified: (1) potential pesticide drift to park users, (2) management of pastures and orchards in the park for noxious weeds and pests, and (3) traffic impacts affecting the movement of farm machinery and delivery of harvests to market.

The application of pesticides on surrounding farms is accomplished through boom spraying and air blasting. No aerial spraying is currently employed. Even if aerial spraying occurs in the future, the facts presented by Metro demonstrate that spraying would occur at least 600 feet from all park use areas. Evidence from the OSU Extension Service shows that there is no detectable pesticide drift beyond 300 feet from the point of application. Based on this information, the Board finds that no change in pesticide application practices will be required to accommodate the proposed park uses.

Metro has already undertaken an aggressive program to combat noxious weeds on lands adjacent to the park. That program and a recommended condition are discussed below. Metro staff have met with nearby farmers on several occasions to determine whether existing farm practices at the park have impacts on surrounding farms. Metro has responded to concerns from surrounding farmers on the issue of noxious weeds. As part of this application, Metro has already initiated a program to control areas of ragwort tansy and other weeds through herbicide applications. Metro has submitted a farm management plan with help from Mr. Chip Bubl of the Oregon State University Extension Service which includes procedures for ongoing management of the pastures. The Board finds that the management plan adequately addresses weed control on Metro property and will adequately mitigate any impacts on surrounding lands.

The traffic impact analysis in Metro's application prepared by Kittelson & Associates shows that traffic attributable to the proposed park improvements will represent only .8% of the traffic on Sauvie Island. The Board accepts this evidence and concludes that, the number of addition vehicles on Sauvie Island Road will not disrupt the movement of farm machinery or delivery of harvested crops to market. Metro's October 10, 2000 submission to the Board explains that during interviews with surrounding farmers, those farmers did not consider ordinary use of the park to represent a significant impact or cause an increase in the costs of their farm practices.

Special events like the Wintering-In Festival, which draws up to 4,500 visitors over two days was raised by farmers as a potential impact. Of primary concern to the surrounding farmers is traffic congestion during harvest time. The peak harvest time for the majority of crops in the area is August 15-October 31st of each year.

Metro's application includes a Traffic Management Plan (TMP) that will be implemented for special events. Amendments to the TMP included in Metro's December 19, 2000 submission provides additional oversight by the Multnomah County Sheriffs Office, event signing, parking lot operations and event plan reviews by the county's Transportation Department. The TMP will be implemented for any event where 300 or more participants per day are anticipated at the park. In addition, Metro has agreed, and the Board has applied a condition that special events that attract over 300 visitors per day will be limited to 3 per year including the Wintering-In festival. The two events other than the Wintering-In festival will be limited to 1,000 participants total, and those events will be held prior to August 15th of each year to avoid peak harvest times on the island. Metro has agreed and the Board has imposed a condition that Metro provide notice to surrounding farmers at least three weeks prior to special events to enable farmers to plan for alternative routes if they so desire. The Board finds that the identified traffic impacts will not force a significant change in farming practices and will not significantly increase the cost of farming on surrounding lands.

The Board finds that based on the evidence in the record, Metro has met its burden to demonstrate that the park improvements are consistent with the EFU zone and will not cause significant changes in farm practices or significantly increase the costs of those practices. No other evidence on farm impacts was provided to either the Hearings Officer or the Board. The Board concludes that the identified impacts on surrounding farmers are not significant, nor do they significantly increase the cost of farming. To the extent that lesser impacts exist, those will be mitigated with the implementation of the TMP and conditions that the Board has imposed.

**15.F. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(4), Will not require public services other than those existing
or programmed for the area.**

These findings replace the Hearings Officer's findings for MCC 11.15.7120(A)(4). The May 10, 2000 staff report found that public services in the area include sheriff and fire protection, electricity, schools and roads. Water is pumped from existing onsite wells and sewer needs are handled by a septic system. The park is already served by electricity from an existing power source near the park. The park will not generate students that increases demands on nearby schools. As indicated in finding 12 above, the park expansion will not require road improvements to Sauvie Island Road. Multnomah County Sheriff's Department has indicated that the park improvements will not require additional sheriffs service.

Initially, the Fire District indicated that it could provide fire suppression service to the park. In a letter submitted during the appeal of the Hearings Officers decision, the Fire District suggested that it could not provide emergency medical service to the park due to the anticipated increased usage. At the Board's October 26, 2000 appeal hearing, Metro provided evidence that indicates that emergency medical services have been requested at a nearly nonexistent level at Howell

Territorial Park over the last 10 years. Metro also contracts for onsite medical emergency services for its Wintering -In festival. At that hearing, the Board requested that Metro contact representatives of the Fire District and make this information available to them.

In its December 19, 2000 submission to the Board, Metro provides copies of two letters to Don Posvar, Fire Chief of the Sauvie Island Fire Department. A November 15, 2000 Metro letter provides a summary of issues discussed with Mr. Posvar at a November 14, 2000 Safety Action Committee on Sauvie Island. At that meeting Metro provided data that shows that two of Metro's other parks have annual attendance of 300,000 and 200,000 visitors respectively. This is 10 to 15 times the anticipated use at Howell Territorial Park. Even at these high use levels, the other parks have only generated a few emergency calls per year. Based on this information, it appears that Mr. Posvar indicated that such a low level of service need could be accommodated by the Fire District. In the same letter, Metro requests a letter from the Fire Department reflecting Mr. Posvar's statements at the Safety Action Committee. In a December, 13, 2000 letter from Lora Price to Mr. Posvar, Metro again requests a letter from the Fire District. In a December 21, 2000 letter, the Fire District provided a response indicating its opinion that medical service could not be provided.

Based on the information Metro provided to the Fire District, the Board finds that it is unlikely that any measurable increase in emergency medical service will be required to support the improvements to the park. Certainly no new fire service will be needed other than the fire service already programmed for the area. The Board finds that the only evidence in the record indicates that the park improvements will generate one or two calls to the Fire District per year. At that extremely low anticipated use, the Board concludes that Metro's application complies with MCC 11.15.7120(A)(4).

**15.H. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(6), Will not create hazardous conditions.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(6). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.7120(A)(6) are incorporated here by this reference. Those findings demonstrate that with the implementation of the TMP, no hazardous conditions will result from approval of Metro's application. The Board's findings of compliance for MCC 11.15.2026 demonstrate that the intersection of Sauvie Island Road and Howell Park Road will remain safe and functional after the park improvements are constructed. Those findings are incorporated here by this reference. The Board finds that MCC 11.15.7120(A)(6) is satisfied.

**18.P. Compliance With MCC 11.15.6100, Off-Street Parking and Loading Requirements:
MCC .6142(F), Minimum Required Off-Street Parking Spaces, Unspecified Uses,
Any use not specifically listed above shall have the requirements of the listed use or
uses deemed most nearly equivalent by the Planning Director.**

These findings replace the Hearings Officer's findings of compliance with MCC 11.15.6142(F). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.6142(F) are incorporated here by this reference. The Hearings Officer identified a discrepancy between the

anticipated number of overflow parking spaces identified in the application versus the number identified in the master plan. The Board finds that no discrepancy exists. The Board interprets the application to refine the master plan. The application, Figure G.1 shows approximate overflow parking spaces of 147 for the north turf field and 353 for the south turf field for a total of about 500 overflow spaces. Since these areas are fields, the actual number of vehicles that can be accommodated may vary depending on how the vehicles are parked. The Board finds that the application provides evidence that at least 500 overflow spaces are available which is sufficient to satisfy MCC 11.15.6142(F).

20.A. Compliance With Applicable Comprehensive Plan Policies: Policy 13: Air, Water and Noise Quality

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 13. The findings and evidence in the May 10, 2000 staff report on Policy 13 are incorporated here by this reference. The Hearings Officer identifies traffic impacts as an issue to which Policy 13 applies. The Board finds the Hearings Officer's findings on Policy 13 to be unrelated to the issues identified in Policy 13. Furthermore, the Board has found that Metro's traffic impact analysis adequately describes the anticipated traffic impacts on Sauvie Island Road. The Board's findings of compliance with MCC 11.15.2026 are incorporated here by this reference. The Board finds that Policy 13 is satisfied.

20.B. Compliance With Applicable Comprehensive Plan Policies: Policy 14: Developmental Limitations

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 14. The findings and evidence in the May 10, 2000 staff report on Policy 14 are incorporated here by this reference. The Board finds that none of the development limitations identified in Policy 14 are present in the area proposed for improvement. No development is proposed on the turf fields that will serve overflow parking. To the extent those fields are used, their use will be limited to short periods during the summer months which will not pose a danger to fragile soils or the water table in the area. The Board finds that Policy 14 is satisfied.

20.D. Compliance With Applicable Comprehensive Plan Policies: Policy 31: Community Facilities and Uses

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 31. The findings and evidence in the May 10, 2000 staff report on Policy 31 are incorporated here by this reference. The October 18, 2000 analysis from Kittelson & Associates demonstrates that during normal peak park operations, the road capacities, traffic counts, speed limits and turning points at the intersection of Sauvie Island Road and Howell Park Road will not cause safety problems on the roadway. During special events, the TMP as amended will be implemented which will insure that Policy 31 is met. The Board incorporates the findings for MCC 11.15.2026 here by this reference. Policy 31 is satisfied.



METRO

December 19, 2000

Mr. Derrick Tokos
Multnomah County
Land Use Planning
1600 SE 190th Ave.
Portland, Oregon 97233

Dear Mr. Tokos:

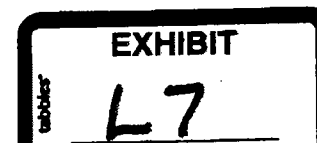
The attached information represents Metro's follow up to address thoroughly the three remaining issues that you identified at the October 26th hearing in the review of our Conditional Use permit application for Howell Territorial Park. These issues are:

- 1) potential impacts to surrounding farming practices,
- 2) potential traffic impacts, and
- 3) potential emergency response demands as a result of the proposed park improvements.

We feel that this information, in combination with the work and findings we have provided to date, satisfactorily addresses the issues associated with our application, and we hope it meets with your approval as well.

Sincerely,

Lora Price
Regional Planner



1. REVISED ANALYSIS OF POTENTIAL IMPACTS TO SURROUNDING FARM PRACTICES

I. Analysis Area:

The owners identified below represent all farming ownership surrounding the park, and an impact area of one half mile. On August 29th, 2000, Metro met with surrounding farmers and residents, Dennis Grande, Robert Wiley, George Douglas, Laura Weaver (Bailey Nursery) and Tamara Fulton (resident) to determine specific farming practices and hear concerns.

II. Inventory and Record of Farmer's Concerns:

Adjoining Farm Properties	Farm Uses	Farm Practices
Dennis Grande 78 acres* North of park	Leased Nursery Stock Production Leased Retail Farm Market	Field preparations- plowing & disking Nursery stock, planting, cultivating, irrigating, and pruning Pesticide and herbicide applications Harvesting and crop delivery to markets On-site sale of produce & goods to public
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Harriet Douglas 80 acres* East of park	Leased Nursery Stock production and Row Crops	Field preparations- plowing & disking Nursery stock & row crop, planting, cultivating and irrigating Pesticide and herbicide applications Harvesting and crop delivery to markets
George Douglas 56.5 acres* Southeast of park	Orchard and Row Crops	Field preparations- plowing & disking Planting, cultivating, irrigating, and Orchard pruning Pesticide and herbicide applications Harvesting and crop delivery to markets
Erwin Douglas Estate 106.80 acres* South of park	Leased Row Crop production	Field preparations Planting, cultivating, irrigating Pesticide and herbicide applications Harvesting and crop delivery to markets

* Acreage is approximate.

Mr. Grande lives adjacent to the north boundary of the park. His land is leased to Bailey Nursery who produces landscape nursery stock. The nursery's farming practices are outlined above. Their harvesting season (which results in their most intensive use of the roadways) is during the months of November through February. Pesticide applications occur in the following manner: Round up is applied in March to cover crops. Pre-emergent herbicides are applied between April and June in bands over plant rows by a boom sprayer. Insecticides are applied only on an as-needed basis. Herbicides are applied through irrigation in the fall around September. Aerial spraying does not occur and all pesticide applications are applied according to standard practices, to have minimal or no hazard from spray drift. The minimum distance between Bailey's fields and public use areas of the park is approximately .23 miles or 1200 feet.

Mr. Grande also leases out Krueger's Market, a farm market stand, which sells u-pick flowers, plants, produce to the public during the summer and fall seasons.

Mr. Wiley resides to the northeast of the park across the Gilbert River. His farm also contains row and hay crops and he raises cattle. Row crops are typically rotated and harvest time of a particular field will depend on the crop planted. Mr. Wiley reiterated his concerns about our management of the agricultural portions of the park property that have resulted in a significant noxious weed problem and fences in disrepair. He would like to see those portions of the park property that are not actively used for park uses be managed for more conventional agricultural uses, according to established farming practices.

Ms. Harriet Douglas resides west of the park property on the opposite side of the Gilbert River. A portion of her land is leased to Bailey's Nursery for landscape nursery stock production. The remainder is farmed in row crops. Access to her farm is from Howell Park road. Tamara Fulton lives near the end of Howell Park road and has informed us that summer visitors to the island often come down Howell Park Road, past the park, looking for Howell Lake or generally exploring. The visitors generate dust and have trampled shrubs in an attempt to turn around. She requested better signage at the end of the public road to inform people and prevent them from travelling on to the private road.

Mr. George Douglas resides southwest of the park boundary. His farm contains orchards and also produces vegetable row crops. The orchards require pesticide applications in each season. Again, the sprays are applied according to standard practices to avoid any drift. His orchard is located .3 miles or 1900 feet from the park. Sweet corn (grown for the fresh market) receives periodic spraying throughout the summer for corn borer after the first silk sets. Spray is air blasted directly over the corn in narrow bands. Applications are timed to avoid drifting.

Mr. George Douglas expressed concern about the park's orchard. He heard that it might be harboring the apple ermine moth, which could potentially impact his orchards, if present. He also expressed concern regarding any widening of the dike and or construction of a bike path. The dike enables the farming existence on the island and it contains several toe drains, which are necessary for its structural stability. He does not want to see the dike tampered with. He expressed a general concern over the cumulative effect of added activities to the island, and resulting traffic impacts.

The Erwin Douglas property is adjacent to the south boundary of the park. This land is leased to Sauvie Island Farms who grow annual row crops. Farming practices are similar to other row crop practices. The closest field to our property is located approximately 600 feet from public use areas of the park.

The consensus view of the landowners at this meeting is that they were comfortable with the existing park uses, including the wedding parties and the annual Wintering-In Festival. Their primary grievance with Metro is with regard to management of the

agricultural (pasture) lands within the park boundary, particularly with respect to weed control. Aside from the two impacts, weeds and fencing, that were raised at the public hearing, other farm practices have not been impacted by park uses to date. The primary concern related to the proposed park improvements is increased use of the park and the potential traffic impacts that may result, which could impact movement of machinery and delivery of crops to market. Relating to traffic, landowners explained that the Sauvie Island Bridge is the bottleneck or "Achilles heel" which causes traffic back ups getting off or on to the island during peak periods of use, i.e. events, pumpkin season and weekend beach weather days.

When future use of the park was described, the landowners were generally comfortable with the anticipated numbers of visitors that group picnicking and/or wedding parties would bring to the park, generally consisting of participant numbers under 300/day, with cars averaging 100 or less. Events pose the biggest potential impact on island traffic and landowners would like to be assured of a limit on events, and particularly do not want any additional events during the peak harvest season, which already brings substantial volumes of visitors to the island.

On November 16, 2000 Metro met with the Booster Club to obtain additional farming practice information and hear concerns. Attendance at the meeting consisted of 23 residents from Sauvie Island and the Multnomah Channel, 19 of which were active farmers. The following information and concerns related to farming were stated:

- Shipping of produce may occur on weekends, particularly with perishable crops such as sweet corn or sweet peas where shipments cannot be delayed.
- Sweet peas are harvested at the end of July or beginning of August; sweet corn crops are harvested from mid-August through September. June and July are generally very open months with respect to harvesting of crops. Any additional events would have the least impact to delivery of harvests during these months.
- Residents reiterated concern that any other large events of a scale similar to Wintering-In could negatively impact getting shipment of crops to market.
- Mr. George Douglas expressed his concern that he could be held liable for pesticide drift to the public.
- Ms. Trupp indicated that their pesticide management does include aerial spray. Their property is 2+ miles north of the park.
- Mr. Trupp expressed a general frustration that farmer's hands are tied to do any development on farmland, so they don't see why Metro should be able to develop. He also said, if we could get rid of some of the heavy beach use, he wouldn't mind more visitation to the park.
- Mr. Dennis Grande reiterated that he would like to see Metro provide a comprehensive farm management plan for its agricultural property within the park.

December 8, 2000 - Telephone interview with David Egger, owner of Sauvie Island Farms, who leases from the Erwin Douglas Estate (land adjacent to the park).

On the land adjacent to the park, Mr. Egger grows annual produce crops such as sweet corn, cabbage, pumpkins or cucumbers. Crops are rotated from year to year. Fields receive a herbicide treatment in spring, then are tilled and planted, usually in mid-late May. Depending on the crop, a fungicide or herbicide may be applied early in the plant's growth. Cabbage needs to be treated with a pesticide every week-10 days. Spray is applied with a 60' boom in bands 12-18" over the crop. For sweet corn, which is grown for the process markets rather than fresh produce, he applies an insecticide in the soil prior to planting and does not apply pesticides later when corn sets silks as is done for the fresh market corn crops. Corn is harvested in late August, cabbage can be harvested from August through November, pumpkins are harvested in September and October, and cucumbers, which are a quick 60 day crop, is harvested in late July.

The issues that Mr. Egger expressed in relation to farming were: the weight limitations of the bridge and it being the pinch point for traffic; bicyclists on the road which generally hold up traffic when they ride abreast and pose a real safety issue when farmers are trying to move equipment on the roads. He also reiterated the view that because he and many farmers on the island feel their hands are tied by land use zoning, it would seem that the rules are being bent for us, if development is allowed in the park.

III. Description of Park's existing and proposed use:

Existing park uses that take place within Howell park include the following: Oregon Historical Society led tours of the house and barn museum, single and group picnicking, Metro led nature walks, OHS led school field trips, reserved weddings and the annual Wintering-In festival. Other activities on the land include maintenance of pasturelands and leased grazing to Marjorie Tabor. With the proposed improvements, the same activities are envisioned. No new activities are being introduced in the park, nor is the general area of park use being expanded within the park.

What is anticipated to change is the level of use. With an all season parking lot and covered shelters, it is expected that use of the park will expand somewhat into the fall, winter and spring seasons and not be limited to summer. We expect that education and interpretive programs will occur during the school year. In addition to accommodating education programs during the school year, the shelters will also accommodate the wedding parties that now use the park and will accommodate more group picnicking during the summer for visitors seeking the unique character of the park. Existing visitor use estimates are approximately 8000/year. Future use projections, based on improvements and expanding interpretive and education programs, is 18-20,000 visitors/year. To put these figures into context, existing park use represents approximately 1.5 % of the 500,000 annual visitors that the wildlife refuge receives and with the expanded use, visitation will represent 4%. The long term projected use will represent only .8% of the traffic on Sauvie Island Road, as calculated by a traffic engineering analysis.



METRO

December 19, 2000

Mr. Derrick Tokos
Multnomah County
Land Use Planning
1600 SE 190th Ave.
Portland, Oregon 97233

Dear Mr. Tokos:

The attached information represents Metro's follow up to address thoroughly the three remaining issues that you identified at the October 26th hearing in the review of our Conditional Use permit application for Howell Territorial Park. These issues are:

- 1) potential impacts to surrounding farming practices,
- 2) potential traffic impacts, and
- 3) potential emergency response demands as a result of the proposed park improvements.

We feel that this information, in combination with the work and findings we have provided to date, satisfactorily addresses the issues associated with our application, and we hope it meets with your approval as well.

Sincerely,

Lora Price
Regional Planner



1. REVISED ANALYSIS OF POTENTIAL IMPACTS TO SURROUNDING FARM PRACTICES

I. Analysis Area:

The owners identified below represent all farming ownership surrounding the park, and an impact area of one half mile. On August 29th, 2000, Metro met with surrounding farmers and residents, Dennis Grande, Robert Wiley, George Douglas, Laura Weaver (Bailey Nursery) and Tamara Fulton (resident) to determine specific farming practices and hear concerns.

II. Inventory and Record of Farmer's Concerns:

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IV. Impact Analysis:

There are three primary potential impacts to farming practices that concern surrounding farmers. These are 1) potential for pesticide drift to park users, 2) management of pastures and orchard within the park, and 3) potential traffic impacts affecting their abilities to move machinery and deliver crops to market.

1. Pesticide drift to park users and resultant cost to farming practices: The farmers immediately surrounding the park indicated that pesticides are applied by boom sprayers and air blasting. None indicated that aerial spraying is employed. The distances between agriculture fields where spraying occurs and park use generally range between 1200 and 1900 feet, with the exception of one field on the south border which is located 600 feet from the park use area. A letter from the Columbia county Extension Agent, Chip Bubl, states that less than 1% of spray mixtures are typically detected at 75 feet and there is generally no detection beyond 300'. **Refer to attachment A, letter from Mr. Bubl.** Due to the nature of surrounding spraying practices, the distances between park use and agricultural practices and the existing vegetation buffers at the perimeter of the park, the potential for this impact is extremely minimal and unlikely. The proposed park improvements should not require owners on surrounding lands to change their pesticide application practices.
2. Management of agricultural land within the park: The goal for Metro's long term management of the pasture and lake are to control invasive species, maintain healthy pasture/meadow through appropriate use of mowing, grazing and fertilizing, and to enhance wildlife utilization of the site by establishing native vegetation adjacent to the Howell Lake, the Gilbert River and perimeter fence lines. As stated prior, Metro has initiated a plan to combat noxious weeds by contracting with a commercial pesticide applicator to spray the pasture and fence line with the herbicide Garlon 3A. Initial spraying of the pasture took place on September 28, 2000. As a follow up, Metro met with Columbia County extension agent Chip Bubl on December 4, 2000, to assess pasture condition and make recommendations for its long-term management. **See attachment B, letter from Mr. Bubl.** Metro is currently working with Mr. Bubl to prepare a management plan for the pasture, which we expect to be able to provide on January 4th. We are committed to working with the Extension Service to fully implement the plan to renovate and maintain the pasture in healthy condition. Another herbicide application will be applied in the spring, April-May 2001. Results of the spring application will be analyzed to determine if additional spraying and/or reseeding is warranted. In addition, permanent repairs/replacement of the north fence line will be made by next spring.

On December 11, 2000, Metro contacted Richard Worth of the Oregon Department of Agriculture again regarding the park's orchard. Mr. Worth originally informed us that there was not a problem with the apple ermine moth; that it is controlled by natural predators. He informed me that given the distances

between our orchard and others and the standard spray practices of orchard farmers, our orchard poses insignificant impacts to others on the island. He also stated that ODA conducts routine trapping surveys to monitor insect pests, which generally assure that orchards on Sauvie Island will be monitored, and they will monitor the orchard at Howell Park on an annual basis. **See Attachment C, memorandum from ODA.**

- Metro will accept a condition of approval to ensure implementation of perimeter fencing, pasture renovation & long term monitoring and management of pastures and the orchard.
3. Traffic Impacts Related to farming: Typical summer weekend park use is not expected to cause congestion on Sauvie Island Road. The traffic analysis prepared by Kittelson & Associates calculates the projected traffic attributable to the park improvements to represent only .8 percent of the traffic on Sauvie Island Road. It is peak use such as an event that causes concern to farmers about traffic congestion and ability to transport equipment and/or crops on the roads. To address potential traffic impacts created by events, Metro proposes the following:
- Future events will be limited to 3 per year, including the long established Wintering-In Festival. The other new events will be capped at 1000 participants and will be timed to avoid the peak harvest period on the island, August 15-October 31.
 - For any future event held at the park, a Transportation Management Plan will be implemented. Metro has met with Ed Abrahamson of the Multnomah County Transportation Division and agreed to requested revisions of the TMP which ensures the Sheriff's Office participation in the plan and ensures coordination with the Transportation Division in addition to the Sheriff's Office. **See attachments D and E.**
 - In addition, Metro will provide at least three weeks notice to surrounding farmers of any future upcoming event to enable them to plan for alternative routes or timing of activities, if needed.

V. **Conclusion**

The documentation provided in our analysis, combined with the conditions of approval offered by Metro to mitigate potential impacts, serve to demonstrate that the proposed park improvements will not interfere or change the method, or costs of current farm practices.

2. **POTENTIAL TRAFFIC IMPACTS**

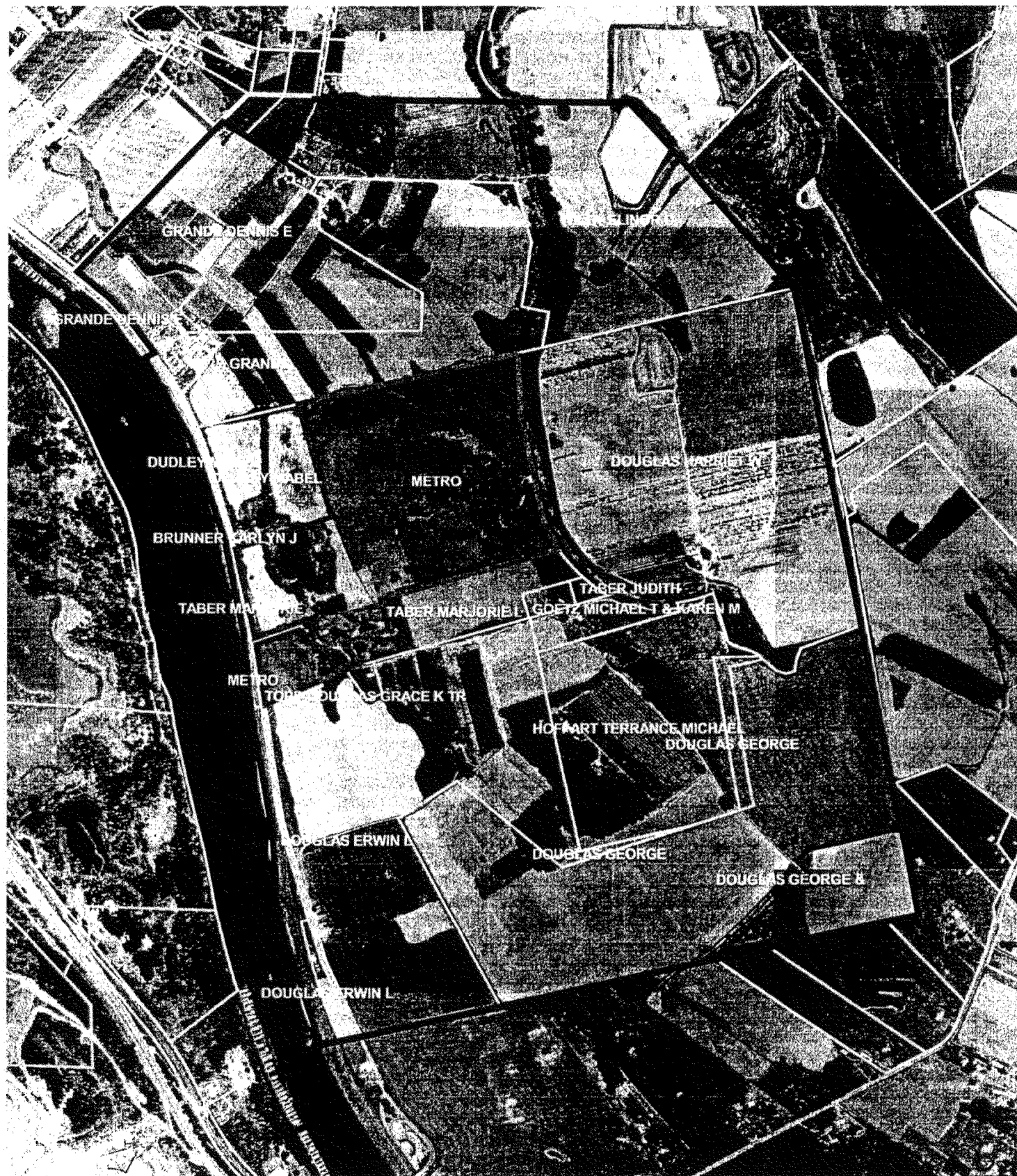
Metro staff met with Mr. Ed Abrahamson of the Multnomah County Transportation Division on November 7th to discuss potential traffic impacts. The Transportation Division determined that the engineering analysis submitted substantiates that a turn lane into the park is not warranted for typical anticipated park use. Revisions to the Traffic Management Plan (TMP) were requested to ensure that event traffic is accommodated safely and with minimal impact to traffic flow on the island. **Attachments D and E**

incorporate the requests to include the Transportation Division in the review of the TMP prior to any future event, to obtain sign permits for any event signage placed within the right-of-way, and to obtain a letter from the Sheriffs Office confirming their participation in the Traffic Management Plan.



3. POTENTIAL EMERGENCY RESPONSE DEMANDS ON SAUVIE ISLAND FIRE DEPARTMENT

On November 14, 2000, Metro staff attended the monthly Sauvie Island Safety Action committee meeting to discuss the park proposal in relation to emergency response concerns. Approximately 12 residents and/or members were in attendance, including Jean Fears (committee chair), Don Posvar (Fire Chief), Mark Nebeker (wildlife refuge manager) and a Multnomah County Sheriff's officer. We responded to general questions and provided clarification on the content of our proposal and projected use associated with it. We presented our responses to address the emergency concern. **Attachments F and G** outline our evidence and proposed conditions to ensure that the park will not generate an unreasonable demand for emergency services that can not be met or puts undo cost on the Fire Department. Mr. Posvar indicated at the meeting that the level of service the park would likely require, based on the information and provisions explained, was acceptable. As we have stated prior, there is no evidence in our records over the past 10 years, that the fire department has been called upon to treat visitor emergencies in the park. In fact, the only time the fire department has been called to the park, was due to a false alarm in the house caused by hibernating boxelder bugs inside the alarm; more a factor of the park's lack of attendance and sufficient staffing.

- Metro is proposing as a condition of approval, to continue to provide an onsite ambulance and medical team during the Wintering-In festival, and will provide staffing on site through the summer season that is trained in CPR/first aid and equipped with first aid provisions.



Farm Analysis Area

 Tax Lots
 Analysis Area



December 7, 2000

Janelle Geddes
Regional Park Supervisor
METRO Regional Services
600 Northeast Grand Avenue
Portland, OR 97232



OREGON
STATE
UNIVERSITY

Courthouse
St. Helens, Oregon
97051

Telephone
503-397-3462

Fax
503-397-3467

Dear Ms. Geddes:

The following comments are offered to address potential risks associated with increased public use at Howell Territorial Park in relation to adjacent pest management farming practices.

In visiting with you and Dan, the geographic facts as I understand them are as follows:

1. The proposed improvements will primarily occur east of the house itself.
2. There are commercially managed orchards and croplands about 2,000 feet to the southeast that are separated in part by a windbreak of 25-30' Douglas-firs on the Bybee-Howell property as well as large firs and hardwoods on adjacent properties.
3. There are continually farmed fields (nursery, croplands, and grass seed) to the north, east, and south 600 - 2000' away.

Farmers use an array of techniques to manage pests. Sprayed pesticides (whether organic or synthetic) are among the techniques employed for crop protection.

Spraying can be done on the ground with tractor mounted boom sprayers or by aerial application. The farmers may do their own ground applications or hire a contractor. Most farmers and all contractors have pesticide applicator licenses from ODA. All aerial applications are performed by specialized contractors licensed to perform those operations.

Pesticide drift can be caused by droplet movement or chemical volatility. The public health risk is a factor of the toxicity of the product and the exposure. Most products are diluted 1:50-1:100 or more in the spray mixture.

Pesticide applicators understand their legal liability relative to drift. Most cases of drift investigated by the Oregon Dept. of Agriculture (who have legal jurisdiction in these matters) involve crop injury due to herbicide drift or contamination of an organic crop by a conventional pesticide.



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension/Sea Grant Programs. Oregon State University, United States Department of Agriculture, and Columbia County cooperating. The Extension Service offers its programs and materials equally to all people.

Drift management starts with proper nozzle selection and proper spray application pressure. The applicator is seeking the largest droplet possible (which will reduce drift) without sacrificing an effective spray coverage pattern. Drift retardant products may be added to the spray mixture. Weather conditions, such as wind speed and direction, temperature, and relative humidity also play significant roles in drift risk.

Droplets of less than 150 microns in size pose the greatest risk of off-site movement. Research in England showed that a 100-micron droplet, released into a 5-mph wind, would drift about 75 feet before hitting the ground. New Zealand research in a kiwi orchard showed .1-1% of the spray mixture was picked up at 75' downwind. This continued to decrease with distance. There was generally no detection beyond 300'.

Germany, which probably has the strictest pesticide regulations, imposes a 150' buffer from the edge of the application to an adjoining use.

Research in both England and New Zealand indicates that any substantial vegetation barrier (as exists on the Bybee-Howell property) further reduces risk.

There generally is no greater drift from helicopter applications if the equipment is properly operated, wind protocols are observed, and targeting is accurate.

The proposed use expansion at the Howell Territorial Park is prudent relative to potential pesticide exposures. With less than 1% of spray mixtures typically detected at 75 feet, the 600-2000 foot distances between park use areas and agricultural operations, combined with the lines of trees providing additional buffer, present an ample margin of safety.

If you feel that you need more information relative to the pesticides that might be used on adjoining properties and their relative risks in given drift scenarios, please don't hesitate to call. As I indicated on Monday, I will put together some comments and recommendations on pasture management for the property and work to get them to you next week.

Sincerely,



Chip Bubl
Extension Agent, Horticulture
Staff Chair

December 18, 2000

Janelle Geddes
Regional Park Supervisor
METRO Regional Services
600 NE Grand Ave.
Portland, OR 97232

Dear Ms. Geddes:

The following are some of my thoughts about pasture management in general and about the management of the Howell Park in particular.

The objective of any pasture-based livestock operation is to raise a good stand of forage and then use livestock to turn the pasture into money. All too often, emphasis is placed on the stock rather than the pastures, to the detriment of both.

Western Oregon presents some particular challenges and opportunities. Our major grazing season runs from April 1 to October 30. About 60% of the total forage produced all year will grow between April 15-June 15. Rotational management can be a great help in maintaining pasture quality. Stocking rates of 2-3 acres per cow/calf pair are normal for decent pasture. Rates can be as high as one 5-700# steer/acre in the spring. Judicious use of fertilizer can strengthen the pasture and provide more forage at critical times.

Our cool, wet winters make grazing from November through March difficult, both in terms of the need for supplementary feed and in the damage that cattle and horse grazing can do to pastures. When the soil is water-saturated, excessive hoof traffic over those soils can "pug" the ground, compressing the soils and damaging the plants. Often, heavily winter-grazed pastures don't perform well the following spring. In addition, weak grass stands are more easily invaded by weeds.

The farmer has an obligation to minimize adverse impacts of livestock operations on water quality or on neighbor farms. Good weed management and good fences will go a long way to good neighborly relations. Effective weed management is generally a function of a strong pasture combined with some periodic spot spraying to keep the inevitable invaders under control.

Water quality concerns are more complex. With the intense winter rainfall pattern, it is crucial that the farmer manage manure to keep it out of moving water. Good riparian vegetation buffers that can intercept surface



OREGON
STATE
UNIVERSITY

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St. Helens, Oregon
97051

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Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension/Sea Grant Programs. Oregon State University United States Department of Agriculture, and Columbia County cooperation. The Extension Service offers its programs and materials equally to all people.

water are important. Additional improvements to reduce the potential for manure runoff could include downspouts and gutters on barns, covered barn manure storage, passageways that are rocked and underlaid with geotextile fabric, and fencing around riparian areas.

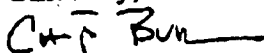
In my brief visit and walk on the property, I found the pastures to be in decent condition. The grass stand was good, but fall growth was clipped fairly tight. It would be appropriate to lower the grazing pressure as soon as possible. This could be done by semi-confinement feeding combined with limited grazing, selling some of the stock, or preferably, both.

The pastures seem to be well drained. However, it has been a mild and dry fall and this could be deceiving. I believe that the pastures would respond to fertilizer. Whether this would be appropriate given the lease arrangements is probably debatable. However, I would be happy to visit with you about specific products, rates, and timing and expected results.

Weed management needs are somewhat hard to assess this time of year since some of the worst weeds (like Canada thistle) are hidden now. The neighbors are most concerned with tansy (or so I gather from conversation with you). There is evidence of flea beetles eating on the tansy. It is possible that they may offer some significant control this next year. However, they do take awhile to build up a critical mass to really eliminate the tansy, so continued spraying is probably justified. Again, I would be happy to visit with you about specific products and timings as well as non-chemical approaches. Canada thistle can be worried, though not completely controlled, through repeated mowing. We can visit on specific options.

As I sat down to write this, I had intended to be more prescriptive. I could give you a management plan that said with the cattle stocking rate at such and such and the management budget as so and so, here are the best ways to spend that dollar and the management time for this desired outcome. I guess that I feel I need more parameters, both in relation to what METRO is willing to do and to what the lessee is willing to do and what the desired outcomes for the short and long term are. It is entirely possible that the current practices, possibly supplemented with some timely fertilizing, a little spot weed control and perhaps some help for the lessee in reducing the herd at appropriate times is all that is needed. Let me know where you wish to take this process.

Sincerely,



Chip Bubl

Extension Agent

Staff Chair

Attachment C

Received: from istanbul.
(istanbul [192.168.5.1])
by gwmail.metro.dst.or.us; Tue, 19 Dec 2000 10:40:03 -0800
Received: from [192.152.7.104] ([192.152.7.104])
by merlin.oda.state.or.us (8.9.3+Sun/8.9.3) with ESMTP id KAA23022
for <Pricel@metro.dst.or.us>; Tue, 19 Dec 2000 10:39:01 -0800 (PST)
Mime-Version: 1.0
Message-Id: <v04220801b665420bf9d@[192.152.7.104]>
In-Reply-To: <sa34cbc0.007@gwmail.metro.dst.or.us>
References: <sa34cbc0.007@gwmail.metro.dst.or.us>
Date: Tue, 19 Dec 2000 10:39:02 -0800
To: "Lora Price" <Pricel@metro.dst.or.us>
From: Richard Worth <rworth@oda.state.or.us>
Subject: Re: Orchard at Howell Territorial Park
Content-Type: text/plain; charset="us-ascii"; format="flowed"

Lora,
This message can serve as a written notice of our studies and
conclusions regarding the Apple Ermine moth in the Bybee Howell
orchard. I hope this response answers your specific questions. If
you have any further questions regarding this matter, please give me
a call.
Richard

The Oregon Dept. of Agriculture (ODA) discovered the Apple Ermine
moth (AEM) in Oregon in 1991 in five counties surrounding the
Portland metro area, putting Sauvie Island near the point of
introduction. The ODA, at that time, started studies to understand
the biology and surveys to monitor the spread of AEM in the state. A
biological control program was also started soon after the moth's
discovery. Since that time, the population of moths in the area has
decreased steadily with only occasional, isolated increases. The
population is currently held in check at low, non-injurious levels
and in balance with the population of introduced, natural enemies.

The practice of trimming trees and manually removing fallen fruit
from the orchard is useful in keeping a number of pests, including
AEM at low levels.

The state has a number of insect monitoring programs, including the
AEM. In the past, ODA has maintained flight traps for AEM adults in
the Howell orchard as part of our monitoring program. Although no
study is currently being conducted in the orchard, the ODA would
agree to hang and monitor an AEM flight trap in the orchard during
the flight period of late spring and summer months. This could be
done on a annual or biannual basis, depending on available human and
material resources. No trap was placed in the orchard in 2000. A
trap will be placed there during the 2001 trapping season.

The Oregon Dept. of Agriculture thinks that the orchard at Howell
Park poses little economic threat to local fruit growers. To produce
marketable fruit, many growers implement control programs that often
include early sprays to control disease and insect problems. The low
populations in the Howell orchard should have no significant impact

to surrounding farming practices.

Richard Worth
Insect Program Specialist

>Richard,

>

>I am writing as a follow up to the two conversations we have had
>regarding the heritage orchard at Howell Territorial Park.

>

>As you know, we are in the midst of a land use review process. We
>are seeking to obtain a conditional use permit that will enable park
>improvements to be made at the park. A primary part of this review
>is an analysis of potential impacts the park could have on adjoining
>farm practices.

>

>It is our desire to assure Multnomah County and adjoining farmers
>that our apple orchard will not cause significant negative impacts or
>increased costs to surrounding farming practices. (There is an apple
>orchard located one third mile away from the park.)

>

>I understand that the Department of Agriculture has monitored this
>orchard very closely as a research site every year since 1993 when
>the apple ermine moth showed up in a routine trapping survey, and
>that the population is now held in check by natural parasites.

>

>I understand that our park staff's maintenance practices of pruning
>branches and removing fallen apples are useful cultural practices in
>controlling pest populations.

>

>I also understand that ODA conducts routine trapping surveys to
>monitor insect pest populations around the state and that your
>agency would typically survey this orchard every few years through
>your routine trapping surveys.

>

>In this context, I have a couple questions regarding the heritage
>orchard and would appreciate your expertise in responding to them.
>To what degree does this orchard pose a real or likely impact to
>other orchards on the island? and, Can we be assured that the
>orchard at Howell Park will continue to be monitored by your agency
>on a two year basis through your routine trapping surveys? If
>possible, we would be very interested in having it monitored on an
>annual basis.

>

>I appreciate your familiarity with our orchard and the assistance
>you have provided thus far. I look forward to your attention to
>these questions and concerns. I can be reached at 797-1846 if you
>would like to discuss further.

>

>Thank You,
>Lora Price

>

Richard A. Worth



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

Howell Territorial Park Expansion - Transportation Management Plan

Kittelison & Associates, Inc. has been retained by Metro to develop a Transportation Management Plan (TMP) for special events at Howell Territorial Park located in Multnomah County, Oregon. The TMP described herein was completed based on the findings of our December 28, 1999 Transportation Impact Analysis prepared for the Howell Territorial Park expansion with the site's operational characteristics.

Objective

The objective of the TMP is to facilitate the safe and efficient operation of the overflow parking area, and to safely direct traffic between the overflow parking area and US Highway 30 during special events anticipating 300 or more participants. The overflow parking area is proposed to utilize an open field adjacent to the site and north of NW Howell Park Road. The use of the overflow parking area is expected to be minimal and would only be functional during relatively dry weather conditions.

Warranting Conditions

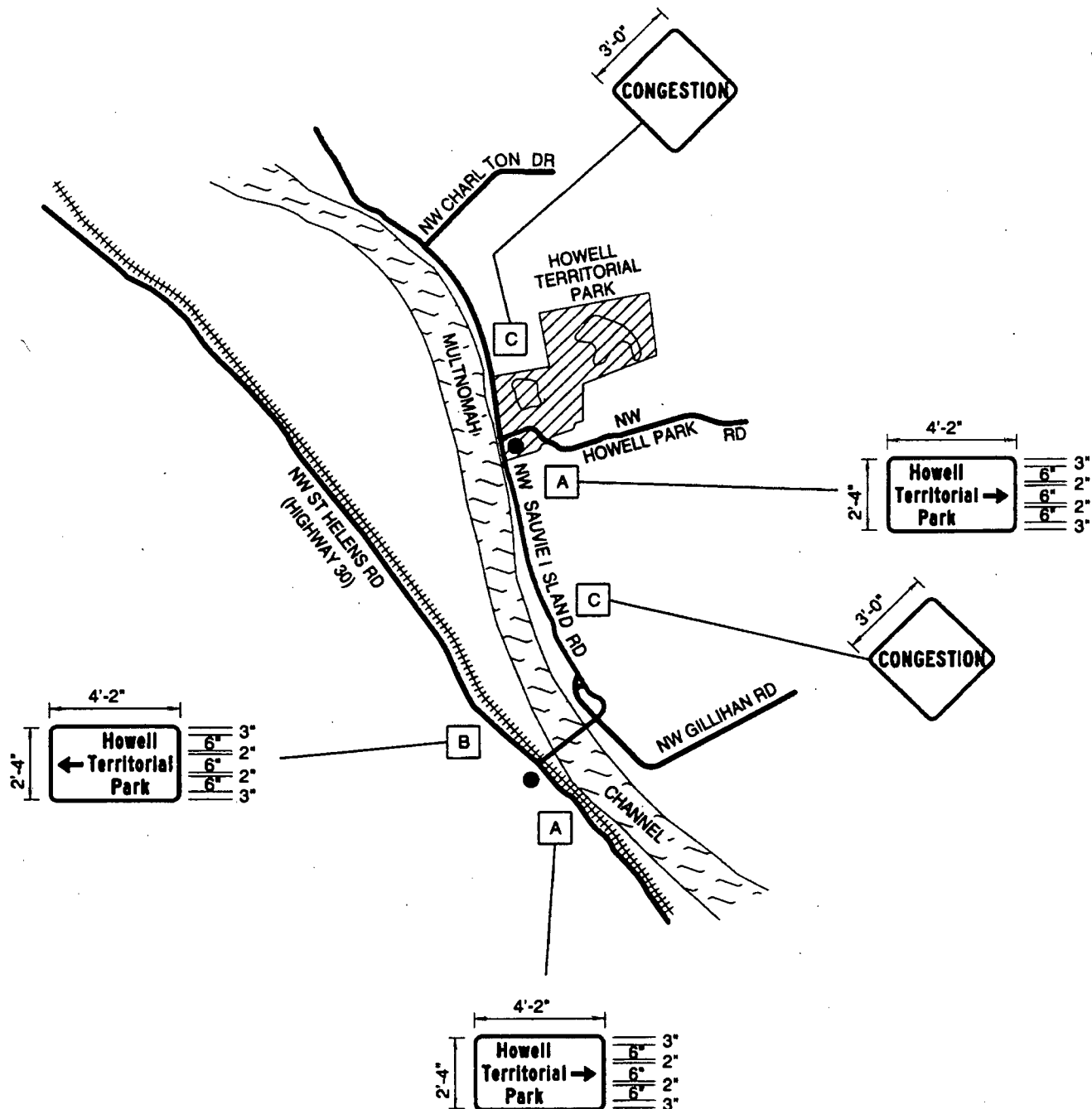
The Howell Territorial Park TMP should be implemented during special events that are expected to generate in excess of 300 or more participants.

Operational Procedures

The following measures should be implemented as part of the Howell Territorial Park TMP.

- 1) **Traffic Control by the Multnomah County Sheriffs Office** – Based on the findings of our December 6, 1999 Transportation Impact Analysis, when deemed necessary, the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's office) should be used to direct traffic in and out of the site driveway and at the NW Sauvie Island Road/Highway 30 intersection. The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event. The use of the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's office) will facilitate safe and organized traffic flow, and discourage drivers from performing illegal traffic movements.
- 2) **Event Signing** – Temporary signing should be provided during special events for which the TMP is implemented. The primary purpose of the temporary signing is to safely direct traffic to and from US Highway 30 and the site, more specifically the overflow parking area. Additional signing will optimize traffic flow and minimize wrong way movements at the site access driveway and the NW Sauvie Island Road/US Highway 30 intersection.
- 3) **Parking Lot Operations** – Temporary signing and striping should be provided within the overflow parking area as measures to optimize circulation and minimize vehicle conflicts. The implementation of striping in the overflow parking area will maximize the available parking, allowing for more capacity, and minimize vehicle conflicts by establishing set circulation patterns within the parking area.
- 4) **Traffic Control Review** - The specific traffic control plan shall be submitted to the Multnomah County Transportation Department for review and approval prior to each special event. Upon approval, Metro shall obtain all necessary signing permits from the County and/or ODOT prior to placing any traffic management signage in the respective right-of-ways.

Figure 1 illustrates the type and location of potential signage and other traffic control devices. The roadway signing should be designed to Multnomah County and/or ODOT specifications. It should be noted that the specific traffic control plan might not include all the elements illustrated in Figure 1.



LEGEND

- A PROPOSED TEMPORARY EVENT SIGNING
- HIGHWAY 30 - NW HOWELL PARK ROAD (PRIMARY ROUTE)
- SHERIFF LOCATIONS

HOWELL TERRITORIAL PARK TRANSPORTATION MANAGEMENT SIGNING AND ROUTING PLAN

HOWELL TERRITORIAL PARK EXPANSION
MULTNOMAH COUNTY, OREGON
DECEMBER 1999

FIGURE
1



3847TMP1



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

December 9, 2000

Lora Price
Metro Regional Parks and Greenspaces
600 NE Grand Avenue
Portland OR 97232

Dear Ms. Price,

I have reviewed the Howell Territorial Park Expansion Transportation Management Plan that Metro has submitted with the Conditional Use Application. In reference to section 1 of the Management Plan, Traffic Control by the Multnomah County Sheriff's Office, I understand that specific wording was added after consulting with Captain Terry Jones of our office. I also have specific wording that I feel should be added to ensure that the role of the Multnomah County Sheriff's Office in future events at Howell Territorial Park is clear.

To ensure that the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's Office) are used in a consistent manner in relation to expected amounts of vehicle traffic I am asking that the wording, "The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event", be added to the Management Plan.

I am also asking that the wording, "Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event".

Metro Regional Parks and Greenspaces may choose to hire a private security firm, or use volunteers to direct traffic. During such an event, with the approval of the individuals selected, the Multnomah County Sheriff's Office would closely monitor and assist in any manner possible with its normal staffing levels.

Sincerely,

DAN NOELLE
Sheriff

By:

A handwritten signature in black ink that reads "Lt Graham 20223".

LIEUTENANT LEE GRAHAM
Operations Section



METRO

November 15, 2000

Mr. Don Posvar
Fire Chief, Sauvie Island Fire Department
18342 N.W. Sauvie Island Road

Dear Mr. Posvar;

I want to follow up on last night's meeting with the Safety Action Committee. I appreciate having the opportunity to discuss with you and the committee your very legitimate question and concern about what level of emergency service demand could be placed on the Sauvie Island Volunteer Fire Department from Howell Park as a result of the improvements made and increased visitation to the park.

To address your concern I described the following aspects of our application which I believe help to quantify and give perspective to your question.

- We have compiled a table of approximate existing attendance at the park and estimated future attendance based on our proposed improvements. Essentially, we expect that park use will roughly double and very likely remain under 20,000 visitors annually, which we feel is very modest relative to other uses on the island. (See attached table).
- With first phase improvements in place Metro will fund additional staffing (.5FTE), at the park which will enable a full time management presence at the park through the peak season of use. Currently the park only receives one quarter of one full time position. It is planned that additional staffing will be provided with subsequent phases and/or as increased visitor use requires.
- We have a long track record at two of our other regional parks where annual attendance figures are 300,000 and 200,000 visitors (10-15 times the projected use at Howell) and our need for emergency service beyond what staff are equipped to handle has never been more than a few times a year. Based on this record, we believe our potential demand for emergency services for visitors to the park from your department will likely be less than once per year.
- We have offered as a condition of approval to our application, to limit any future events at the park to 3 per year, including the Annual Wintering-In Festival; and that no additional events will be held at the park during the island's peak use harvest

season. (In our application an event is defined as an activity in the park that brings over 300 people.

- As part of our application, we have provided a Traffic Management Plan that will be implemented for any future event held at the park. See attached. The plan will assure coordination with the County's Sheriff's and Transportation offices, will provide qualified personnel to direct traffic and will provide signage.
- We also offer, as a condition of approval, in our application to continue the practice, of providing an ambulance and emergency medical team during the Annual Wintering - In Festival as we have for the past four years, and will do so for any other future event of similar scale.

Based upon these above provisions, you indicated in the meeting that the level of service the park would likely require from your department seemed an acceptable level. Since this is an important issue in the County's consideration of our conditional use application, I would like to request that you provide a letter to them on behalf of the Sauvie Island Fire Department that affirms the department is prepared to provide service to Howell Park with the improvements and uses that are proposed. We are presently scheduled to return to the Commissioners on December 7th and need to provide responses to the County Land Use Division by November 21st. Please contact me if you have additional concerns or suggestions and would like to discuss further. I can be reached at 503-797-1846.

Sincerely,



Lora Price
Regional Planner



METRO

December 13, 2000

Mr. Don Posvar
Fire Chief, Sauvie Island Fire Department
18342 N.W. Sauvie Island Road
Portland, Oregon 97231-1312

Dear Mr. Posvar;

Since last month's Safety Action Committee Meeting and my November 15th, 2000 correspondence with you, there are several points to update you on.

First, which you probably are aware of, Metro's land use hearing date before the Board of Commissioners, is rescheduled for January 4, 2000. Second, I am enclosing our revised Traffic Management Plan, which ensures additional coordination with the Multnomah County Transportation Division on a case by case basis for any event held at the park.

Finally, Metro will be proposing as a condition of approval, that, in addition to capping the number of events allowed at the park to 3 per year (including Wintering-In), we will also limit the size of any new event to 1000. The other two events will be held outside the heavy harvest and traffic period on the island (August 15-October 31).

We hope these conditions, in addition to what I outlined in the November 15th letter, show that the park improvements will not place unreasonable service demands on the Sauvie Island Fire Department. I want to reiterate that being able to have regular staffing at the park (who will all have a basic certification for responding to emergency needs) should go a long ways in handling 99% of any needs that may arise. If the information and conditions we have provided do not alleviate your concerns, or if you have any continuing concerns or suggestions for Metro to consider, please contact me at 797-1846 at your earliest convenience. If we do not hear from you by December 18, 2000, (our submission deadline to the County) we will assume, based on your indication at that November S.A.C. meeting, that the anticipated level of service generated by the park improvements is acceptable.

Sincerely,

Lora Price
Regional Planner

Cc: Derrick Tokos

00 DEC 26 PM 2:57

PLANNING SECTION
**Farm Management Plan
Howell Territorial Park
Sauvie Island**

This plan addresses the existing and planned management practices for two specific areas at Howell Territorial Park. The first area addressed is the pastures that are currently leased for grazing and the second area is the small apple orchard.

Pastures

Objectives: To continue to graze for the duration of the existing lease (2003). Upon expiration on the existing lease, Metro has the option of renewing the lease for periods of one year at a time. Continuation of grazing after 2003 will be determined at a later date.

To maintain the pastures in forage which is relatively free of noxious weeds.

To maintain the integrity of the wetlands by continued diligence on the existing fenceline which separates the existing grazing areas from the wetland.

To repair and replace, as needed, perimeter fencelines to prevent cattle egress on adjoining properties.

Existing Situation:

Currently, the lessee has a herd of 13 cows, 2 young bulls, and one breeding bull. The 13 cows are expected to calve, yielding 13 cow/calf pairs in the spring of 2001. All of these calves have been obligated to a buyer and will be sold upon weaning.

The lessee grazes the pastures typically from March until November every year. Then, the cattle are hay fed during the winter months. In the spring, the lessee utilizes the southern end of the leased property that is divided into 4 separate pastures (Area B on attached map). The cow/calf pairs are moved every 5-7 days between these pastures, allowing for grass growth and minimizing the impact on each pasture. After the calves have matured to approximately 1-2 months, the lessee then begins to utilize the back pasture (Area C on attached map) and the front pasture (Area A on attached map). The cattle are moved periodically throughout the entire pasture areas to prevent overgrazing throughout the grazing season (March through mid-November). The numbers currently grazing on these pastures are within suggested numbers for satisfactory pasture health.

The grazed pastures are well drained and in fair condition with a good stand of grass. There is an infestation of tansy ragwort, which is of concern and is being addressed. There is evidence of a healthy population of flea beetle (an important and effective biological control) in the crowns of the tansy ragwort. To date, the control of tansy has been primarily through mowing, with some hand pulling and clipping of flowering plants.

The existing condition of the fencelines varies throughout the pasture areas. The fenceline that surrounds the wetland is in relatively good condition. The fenceline that borders the back pasture (Area C) on the north side has had numerous repairs and poses cattle egress opportunity onto adjacent properties. This back pasture (Area C) fenceline has been sprayed (fall 2000) to kill large pockets of blackberry so fence replacement can begin in the late winter/early spring of 2001. During fence repair and replacement, cattle will be confined to other pastures.

Management Plan - Pastures:

With respect to **grazing**: The existing numbers of grazing animals are within the suggested range for the available acreage. We are continuing to work with the lessee to manage the grazing pressure throughout the leased pastures. Conversations with the lessee have indicated that the herd will continue to reduce in size.

With respect to **noxious weeds (specifically tansy ragwort)**: The tansy ragwort will be sprayed in the spring of 2001, prior to May 1st (per extension agent input regarding best results). If weather conditions do not allow a treatment prior to May 1st, a fall spray after fall grass re-growth can accomplish the same, or better, results. Since there is evidence of flea beetle, it is anticipated that their numbers will continue to grow and offer additional tansy control. Monitoring after chemical application as well as a field survey the following growing season will determine if additional treatments are necessary. Continued meetings with the area extension agent will allow a customized approach regarding product and timings to address this issue. Chemical, mechanical, and biological control methods will continue to be used.

With respect to **fencing**: In the late winter/early spring of 2001, the fenceline in the back pasture (Area C) will be cleared and a new fence will be installed. This is approximately 1200' of fence. This fenceline, as well as the other fencelines, will be monitored periodically to ensure that they are preventing cattle egress onto adjacent properties.

Upon completion of the lease agreement, a decision will be made as to whether or not grazing will continue. If grazing continues, a determination of the appropriate numbers of animals to graze will be determined. If the decision is made to stop grazing at the end of the lease agreement, implementation of the master plan adopted in 1997 will occur. This will consist of revegetating the back pasture (Area C) with native species to promote wildlife habitat, to restore and manage the oak woodland on the south side as an open oak savannah (Area B), and manage the front pasture as an open field (Area A).

The pastures will have regular, documented monitoring regarding fence conditions and noxious weed management in order to ensure that problems are addressed. This will occur regardless of grazing status.

Orchard

Objectives: To continue to maintain the existing orchard in a state of fair health.

Existing Situation:

The orchard was established in 1974 by the Home Orchard Society. It is not a remnant of any original orchard on the site. It primarily consists of apple trees from historic cuttings brought west in the 19th century. These cuttings were grafted to dwarf rootstock to create the orchard as it exists today.

Apple Anthracnose (bull's eye rot) virus has been in the orchard since the mid-1980s. This is a very common virus that occurs in high rainfall apple growing areas west of the Cascades. It causes cankers on twigs and branches and causes fruit rot if left untreated.

Management Plan – Orchard:

Anthracnose treatment has consisted by pruning out affected twigs and branches and also cutting out cankers with a knife. All debris resulting from these treatments is burned and/or removed from the site. This prevents further spread of the virus. This late winter dormant pruning takes place yearly.

Pest monitoring is done by the Oregon Department of Agriculture throughout the state. This orchard will have annual routine trapping surveys to monitor any pest problems, as per a commitment from the Oregon Department of Agriculture. To date, there have been no reported problems with insect pests that pose a threat to commercial orchards.

Pasture Management Plan



0 200 400

Feet



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1850 FAX 503 797-1849

To: Derrick Tokos

From: Don Paswar
Sawvie Is. Fire Dept

3- page total

EXHIBIT

tabbies

L9



18012 N.W. Sauvie Island Road
Portland, Oregon 97231-1312
(503) 621-1242

SAUVIE ISLAND VOLUNTEER FIRE DEPT. R.F.P.D. #30

December 20, 2000

Lora Price
Metro Planner
600 NE Grand
Portland, Oregon 97232

Dear Ms. Price:

In response to your letter of Nov. 15, 2000: If your estimate regarding Metro's proposal were to result in less than one additional emergency response call a year, then we would not feel a severe impact to the Volunteer Fire Department. However, the traffic studies compiled by Kittelson & Associates, Inc. (Project#:3847.02) show very convincingly, the need for a right turn lane to accommodate the estimated 25,000 to 30,000 people per year visiting Howell Park. In addition, Mult. County Traffic Engineering Memorandum by Ali G. Eghtedari, PE (10-24-00) clearly states his concerns regarding quality of life of the residents by inviting thousands more people per year and he addresses safety in his last paragraph: " Our mission is to keep a sustainable environment that can benefit both residents and users of the park. Safety is our primary issue and this amount of right turn causes possibility of rear-end accidents on the one lane road more than every 2 minutes during peak hour."

We understand the right turn lane has been removed from the list of required components for the conditional use permit, therefore, if the proposal is granted we can expect higher numbers of car accidents as per Mr. Eghtedari's statement above.

In the Master Plan of April 1997, un-numbered page under "Sauvie Island and Howell Territorial Park History", sub title Recreation, we see that there were reservations even then about inviting so many people. Last paragraph states, " More recently, urban residents flock to the Island seeking its sandy beaches, spectacular wildlife viewing, pastoral setting and produce markets. Unfortunately, some of these visitors create problems which include traffic, crime, trespassing, littering and emergency response needs which in some cases exceed the capabilities of the Island's resources."

In March of 1997, Multnomah Co. dept. of environmental services set up a meeting at the school to discuss the Policies to be reviewed for the Rural Area Plan. One of those policies was "Study methods by which the Sauvie Island Rural Fire Protection District can be reimbursed for providing fire and emergency medical services to island visitors." To this date, no funding from that plan has found it's way to our fire district.

We collect no income from the visitors who play at the beaches, bicyclists, picnickers, joggers and others who visit the Howell Park. Having an emergency medical team on the site during Wintering In is great, however, will not preclude our call to the site or roads when 911 is called.

This fact remains, the greater the number of people - the greater incident of problems. When Metro first took over the site, our volunteers responded 4 or 5 times to false alarms, were those accounted for in the study? Even false alarms take a full response team to a site at any hour. There are un-named sources who have witnessed people fighting more than one grass fire at the Park caused by picnickers and 911 was not called for those fires and should have been!

There are too many things still up in the air with this proposal for us to accept it. Once accepted for the conditional use permit, we feel we would lose the opportunity to discuss options for phase 2,3, 4 and however many more phases Metro may come up with in the future.

Sincerely,



Don Posvar
Chief Sauvie Island Fire Department

cc: Multnomah Co. Planning
Multnomah Co. Commissioners

TOKOS Derrick I

From: In The Works [intheworks@jps.net]
Sent: Wednesday, January 03, 2001 10:10 PM
To: mult.chair@co.multnomah.or.us; serena.m.cruz@co.multnomah.or.us;
diane.m.linn@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us;
lonnie.j.roberts@co.multnomah.or.us; BOGSTAD Deborah L
Cc: derrick.i.tokos@co.multnomah.or.us
Subject: Bybee Howell Territorial Park CU-0-2

Commissioners: After the October 26 Hearing, as we prepared to work with Metro and the County to come together with ideas which would be acceptable to the residents and all concerned, I asked if we could ask questions of the Board of Commissioners and was told that we should not bring the subject to any of you because the subject would be off limits until the date of the hearing - Jan. 4, 2001.

I have just been advised that information has been received by the board from Metro and therefore I am forwarding to you the proposals we -the committee of Sauvie Island residents- compiled and sent to both Metro and the County early in December after our meeting with Metro representatives. Our only response from Metro has been that they received the document. Therefore, I feel we have not met our goal - which, as I understood it, was to work together and come up with solutions. Instead, we have discussed at length, our concerns, printed it clearly and heard nothing in return.

I will be present to speak at the meeting Jan 4 at 11 AM and hope to be in compliance with the expectations you may have.

Lora Creswick

Sauvie Island Resident,
Sauvie Island Boosters,
Sauvie Island Grange Member



December 13, 2000- Updated: January 2, 2001

To: Metro Parks and Greenspaces, Multnomah Co.
Planning Staff and County Commissioners

From: Sauvie Island Boosters, Residents, Grange and
other interested persons

Regarding Howell Territorial Park
Construction projects proposed by Metro Parks file CU 0-2

Less is More: The fragile infrastructure of Sauvie Island with the narrow road and old bridge cannot afford to invite more visitors. The very heart of what makes this park unique would soon be gone if we allow Metro to carry out this construction project as proposed.

We clearly must protect the historic integrity of the house and grounds for future generations to see what an old homestead in Oregon was like.

IMPACT of Metro's proposed plan:

The pillar of Oregon Land Use Law is to preserve farm use and the intent is clearly to stop EFU lands from becoming tourist attractions!

A. Conflicts with EFU zones in accepted farming practices and increasing costs to neighboring properties (One example: applications of herbicides and pesticides on adjoining farmlands would conflict with park usage and add financial burden to farmers). We have not seen a farm plan for the acreage.

Review State Planning Goals three (Agricultural Lands) and five (Open Spaces, Scenic and Historic Areas, and Natural Resources).

B. The Engineering studies are very convincing in requiring a right turn lane to accommodate the proposed added traffic per year at the Howell park road off Sauvie Island Rd.; however, it would be extremely unusual for the Dike authority (Sauvie Island Drainage District and Corps of Engineers) to risk the structural integrity of the dike by approving such a plan. Depending totally on the Transportation people to come up with a traffic management plan for each event is a non-answer to the traffic question. We need assurances before this permit is accepted and are not interested in the "wait and see" attitude after the fact. Therefore, it makes more

sense to ask that no more visitors per year be invited to the park to assure the roads and our elderly bridge will not be further impacted.

C. Sauvie Island Volunteer Fire Department is dispatched at each 911 call whether it is a fire, health emergency or traffic accident. Adding thousands more people to the Island each year will obviously add more calls to 911. The volunteers fight fires once in a while, but most often are dealing with pulling duck hunters out of the mud, helping people in traffic accidents, bike accidents, and health problems. Having an emergency truck at the Park will not stop all those types of calls associated with visitors.

We want to continue to invite "visitors" who seek this park because of the historic nature - we do not need "users" who are simply looking for a place to party. The metropolitan area has many wonderful parks for picnics and parties. Also, this is currently the only public place a person can drive, park their car and have a picnic for *free* on the Island.

Proposed Solutions from the Sauvie Island Committee:

1. Parking: The fields should remain as fields and used as overflow parking for the Wintering In and smaller events of up to 300 people, such as weddings. The proposed hard surface parking area detracts from the view of the house, is unsightly from Sauvie Island road and not necessary as we do not want to invite more people to the site than currently visit each year.

2. Traffic: The numbers of vehicles visiting the Island increases yearly, while the roads and bridge just get older and are not scheduled for significant maintenance anytime soon. We must react to stop the increases at every opportunity. The heavier the traffic, the more opportunity for 911 response calls (dealing with fires, health issues, vehicle accidents, car break ins), difficulty for farm traffic, congestion for those who live and work here. (We will be working with other agencies to limit traffic to the beaches during the summer, but that is another subject.)

3. Trails: The proposed trails would dramatically alter the wildlife habitat that exists today and should not be as extensive as illustrated in the proposal. What good is a path to see the birds if we run the birds out of their homes? Viewing blinds don't fool shy species of wildlife. **A few walkways near the house and barn to allow a wheelchair access would be acceptable.**

4. Barn and House: Both need repairs; Remodeling the existing barn to create larger restrooms would be very favorable as it is imperative that restrooms be made available at that location for year round accessibility. The security of the antiques, etc. must be maintained, therefore, a separate entrance is important.

Continuing to feature the antique equipment and other implements used in the late 1800's would be extremely helpful in educating those visitors who are interested in local history.

Metro representatives made a suggestion at one of the meetings with Sauvie Island residents that they hope to turn an unused area of the barn into a classroom for future visits from school children. This we applaud.

House: The house needs a great deal of maintenance- A certified inspection must be done to determine the work and methods of repair to be accomplished; we agree with Metro's proposal that a kitchen be brought back to replicate the time of the wood-burning cookstove. It could be made available for a small class to observe how food was preserved, daily meals prepared. The pitcher pump would be located in the sink or just outside the door - Oregon Historical Society has photos of such which should be consulted for design authenticity.

5. An additional restroom building is not necessary. New restrooms should be located inside the existing barn structure with an exterior entry. Restrooms need to be available more hours to accommodate bird watchers, bicyclists and others during the year.

6. We are very uncomfortable with Covered Picnic Shelters: The plan from Metro includes two structures for 60 and one for 120 people ! In the early days families laid out a blanket under the trees for a picnic- if there was a light rain, or a very hot day, they would move into a grove of trees. To enjoy this historical site appropriately, one should expect to sit on the ground or at one of the existing picnic tables. (Temporary fabric canopies would be acceptable) We feel we must stress how important it is to not create more structures to this site.

7. Viewing area: Viewing should be restricted to that space near the existing structures so as not to disrupt the ground by leaving the scents of humans and compact the soil with too much foot traffic.

8. Cows: It is important that cows graze in the back field. Visitors should expect to see them there and the animals are part of the balance. Perhaps chickens, ducks and guinea hens could be added.

9. Interpretive panels: It is very important to have information for the self-guided tours, however, this can be carried out in a number of ways other than large plastic panels placed throughout the grounds. We suggest the panels replace those on the swinging post that is now located on the back porch of the house. They should also be published in the form of brochures. The Significant Environment Concern criteria states in MCC.6408 c (paraphrase: guidelines regarding ways to attain visual subordination include) "Use of nonreflective or low reflective materials and dark natural or earthtone colors."

Note: The Significant Environmental Concern (SEC) has identified the following areas as public areas that provide important views of a significant scenic resource (and include both sites and linear corridors):

Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

"Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings."

10. Lighting: Also from MCC.6408 "No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials."

Since the hours of operation of the park require closing at sundown, there are no reasons for exterior lighting. This too would preserve the visual integrity of the landscape.

11. Farm Plan: The importance of a Farm Plan cannot be stressed enough! This is the blueprint for farm maintenance and management.

Local farmers are required to have a plan, why should Metro be different? Noxious weeds have been a continual problem on the property as well as insect infestations, which would be controlled if one followed an *approved* plan. We have asked for and not received a Farm Plan.

12. Representation: The residents on Sauvie Island do not have representation on the Metro board and are not able to vote for that body, therefore, we propose a Board of Island residents be established to oversee the activities and decisions affecting public areas on the island owned and operated by Metro Park and Greenspaces Department. This Board would be a recognized body who would have equal representation in all ways to those seated on the METRO council.

This would be a board with authority to discuss and create policy for the operations of properties on the Island, along with, but not limited to, hours of operation, events of interest, schedules of events, permits for alcohol, color of paint, etc. This would help establish trust which is severely lacking between the community and METRO.

An example of our lack of trust for METRO: Our boat ramp was recently rebuilt without input from our community. We now have a NEW boat ramp that only allows one boat at a time to enter and exit instead of two with the old ramp. If the fire truck -with the station a short distance from the ramp- needs to fill up with water and one of you are trying to enter or exit the waterway, you will be hindering the safety of someone who needs the water!

13. Ballot measure 7: What will happen to the property values of those parcels of land adjoining the Howell Park and who is responsible?
We are happy Metro has money to spend here- let's use it responsibly.

We neighbors of the Park strive to be environmentally savvy people everyday, not simply when politically convenient. Our motive is to keep the park clean, existing structures safe and to be good stewards of the land and most of all, good neighbors.

Case CU 0-2 - Application Timeline and Exhibit List

Timeline:

- Application received with full fees: January 27, 2000
- Application determined to be complete: May 1, 2000 (**Begin "150 day timeline"**)
- Staff Report Available to the Public: May 10, 2000 (**Day 9 of timeline**)
- Public Hearing before Hearings Officer: May 17, 2000 (**Day 16 of timeline**)
- Decision received from the Hearings Officer: July 2, 2000 (**Day 62 of timeline**)
- Hearings Officer decision mailed to parties: July 7, 2000 (**Day 67 of timeline**)
- Decision appealed to the Board of County Commissioners: July 19, 2000 (**Day 79 of timeline**)
- Original date for County Commissioners Hearing: August 24, 2000 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from August 24, 2000 to October 26, 2000**
- Public Hearing before the County Commissioners as rescheduled per the applicant's request: October 26, 2000 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from October 26, 2000 to January 4, 2001**
- Hearing before the County Commissioners set over from October 26, 2000 and as rescheduled per the applicant's request: January 4, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from January 4, 2001 to January 30, 2001**
- Second Public Hearing before the Board of County Commissioners: January 30, 2001 (**Day 115 of timeline**)

Exhibit List:

(Note: A Complete Set of All Exhibits is Included in the Case File)

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B1	50	Staff Report

Attachments to the Report:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
1	1	Location Map
2	1	Existing Conditions Map
3	6	Proof of Ownership
4	1	Current Assessment and Taxation Map
5	1	Vegetative Communities Map
6	188	Howell Territorial Park Master Plan, Metro, April 1997
7	1	Utility Plan, Revised April 24, 2000
8	1	Proposed Site Plan, Revised April 24, 2000
9	8	Planning Director Decision, Property Line Adjustment Case #PLA 8-96, Issued August 9, 1996
10	38	Traffic Study, Kittelson & Associates, Inc., December 28, 1999, with Attachments
11	2	Parking and Loading Plans, Revised April 24, 2000
12	34	Wetland Delineation of Howell Territorial Park, Shapiro and Associates, Inc., January 21, 2000
13	3	Metro letter to the County, dated April 18, 2000

14	1	Impact Area Map
15	1	Police Services Review Form, Signed January 5, 2000
16	1	Fire Service Review Form, Signed January 9, 2000
17	2	E-mail from Ed Abrahamson, Transportation Division, dated April 28, 2000
18	24	Description and Construction Specifications for Gravelpave ² Reinforced Gravel Road Surface
19	34	Drainage Analysis, Howell Territorial Park, OTAK, April 14, 2000
20	3	Division of State Lands Confirmation of Howell Territorial Park Wetland Delineation, dated April 27, 2000
21	2	Comprehensive Framework Plan Land Use Location Policies
22	7	Certification of Water Service Form, with Attachments
23	2	On-site Sewage Disposal Form, Signed April 24, 2000

Other Applicant Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	General Land Use Application Form
A2	1	Assessment And Taxation (A&T) Sheet For The Parcel
A3	1	Copy of the Check for the Application Deposit
A4	1	Land Use Permit Application Cover Sheet, Dated January 27, 2000
A5	1	Copy of a Current Multnomah County Zoning Map of the Subject Property
A6	155	Conditional Use Application with attachments, dated January 2000
A7	6	Copy of a City of Portland Sanitarian Land Feasibility Study Application
A8	13	April 14, 2000 letter from Otak, Discussing the Water Supply and Septic System for Howell Territorial Park (with attachments)
A9	2	April 24, 2000 Fax from Lora Price, Metro, Requesting a Status Letter from the County for Purposes of Grant Application
A10	1	Fax copy of Affidavit of Posting, Received May 5, 2000

Other Staff Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B2	2	Aerial Photographs of the Subject Property
B3	1	February 24, 2000 letter to Lori Warner, Division of State Lands, Requesting Confirmation of the Howell Territorial Park Wetland Delineation
B4	2	February 25, 2000 Completeness Review Letter
B5	1	E-mail to Ed Abrahamson, Transportation Division, dated April 20, 2000
B6	2	Second Completeness Review Letter, dated April 20, 2000
B7	1	April 25, 2000 Land Use Status Letter to Oregon State Parks and Recreation, Regarding Metro's Grant Application
B8	1	Sheet Confirming Posting Signs Received by the Applicant May 3, 2000
B9	19	Notice of Public Hearing, Mailed May 4, 2000

Documents Submitted for the Hearings Officer Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
H1	1	Applicant's Affidavit of Posting for the May 17, 2000 Hearing
H2	1	Letter dated May 15, 2000, from Richard D. Roberts, Preston Gates & Ellis, LLP, Representing the Sauvie Island Drainage District
H3	12	Staff Photographs of Howell Territorial Park

H4	4	Warranty Deed of the Subject Property, Recorded October 2, 1996 with Instrument #96149904
H5	9	Copy of METRO Resolution #97-2539B, Adopted November 6, 1997
H6	3	Photographs of the Subject Property taken by an Adjoining Property Owner in Attendance at the Hearing
H7	1	Letter from Jean Fears, Sauvie Island resident, dated May 18, 2000
H8	4	May 22, 2000 Memorandum from Ed Abrahamson, Multnomah County Transportation Division
H9	1	Letter dated May 22, 2000 from Dick Matthews, Oregon Historical Society
H10	1	May 23, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department with cover sheet
H11	9	Letter dated May 23, 2000 from Robert W. Wiley with photographs
H12	22	Packet of Information, Faxed May 23, 2000, from Lora Price, Metro, Responding to a Request from staff for Documentation on Prior Land Use approvals at Howell Territorial Park, with cover sheet
H13	66	Copies of Four Prior Conditional Use Approvals at Howell Territorial Park, Referenced under Case File #CS 37-63, #C 3-67, #CS 23-69, and #CS 3-74
H14	5	Fax Received May 24, 2000 from Lora Price, Metro, with cover sheet
H15	1	Fax from Dave Koennecke, President, Sauvie Island Bridge Committee, received May 24, 2000
H16	1	Sign-in Sheet Listing Parties that Testified at the May 17, 2000 Public Hearing
H17	2	Letter from Staff to the Hearing's Officer dated May 24, 2000
H18	1	May 31, 2000 Fax from Lora Price, Metro, Requesting Additional Time to Respond to Materials Submitted to the Record During the Seven Days Following the Hearing
H19	2	May 31, 2000 Fax, with cover, from Liz Fancher, Hearings Officer, Outlining a Revised Schedule for Submittal of Additional Evidence
H20	2	June 7, 2000 Fax, with cover, from R.W. Wiley, an Adjoining Property Owner
H21	5	June 7, 2000 faxed letter, with cover, from Lora Price, Metro, Responding to Materials Submitted to the Record During the Seven Days Following the Hearing

Hearings Officer Decision:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
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J1	55	Hearings Officer Decision, with cover, mailed July 7, 2000
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Documents Submitted For October 26, 2000 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
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K1	5	July 12, 2000 Fax from Staff to Metro, Containing Notice of Review Appeal Forms
K2	5	Notice Of Review Filed By The Applicant July 19, 2000, with copy of the Check for the Appeal Fee and Transcript Deposit
K3	1	July 24, 2000 letter from Laura Price, Metro, Requesting that the Appeal Hearing Before the Board of County Commissioners be Rescheduled to September 14, 2000
K4	61	August 17, 2000 Request For Board of County Commissioners Appeal Hearing Date of September 14, 2000, with attachments
K5	4	Notice of September 14, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed August 24, 2000
K6	1	Receipt for Posting Signs, dated August 24, 2000
K7	2	Faxed letter dated August 30, 2000, with cover, from Metro to Staff Summarizing

		Their Main Issues for the Appeal Hearing
K8	1	Applicant's Affidavit of Posting for the September 14, 2000 Hearing
K9	1	September 6, 2000 fax from Metro requesting that the September 14, 2000 hearing be rescheduled to October 26, 2000
K10	1	September 6, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department, to the Board of County Commissioners
K11	63	Request For rescheduling of the Board of County Commissioners Appeal Hearing Date to October 26, 2000, with attachments
K12	4	Notice of October 26, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed September 7, 2000
K13	1	October 2, 2000 letter from Staff to Metro, Containing Posting Instructions for the October 26, 2000 Hearing
K14	1	Notice of Corrected Hearing Location for the Board of County Commissioners Appeal Hearing, mailed October 3, 2000
K15	4	September 25, 2000 letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K16	12	October 10, 2000 faxed letter from Laura Price, Metro, Responding to the Hearings Officer Decision Denying their Application for Conditional Use Permit
K17	4	October 10, 2000 faxed letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K18	2	October 12, 2000 letter from Ed Abrahamson, with Multnomah County Transportation
K19	3	Key Issues And Recommendation Matrix Prepared By Staff for the October 26, 2000 Public Hearing
K20	2	Staff cover letter for Board of County Commissioners Hearing Packet, prepared October 16, 2000
K21	10	Mailing Lists Used for Public Notices
K22	2	Memorandum from Ed Abrahamson to Planning Staff, received June 15, 2000, Requesting Right-Of-Way Dedications, Deed Restrictions, and Easements
K23	1	Letter from Drew Hansen, Sauvie Island Resident, received October 23, 2000
K24	6	Letter to Ed Abrahamson from Ali Eghtedari, P.E. dated October 24, 2000 with attachments
K25	30	Metro Presentation Packet for the Board of County Commissioners October 26, 2000 Hearing
K26	1	Letter from Bruce Hansen, Sauvie Island Resident, received October 26, 2000

Documents Submitted For January 4, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
L1	3	October 30, 2000 letter from Metro describing Public Involvement Activities for the Howell Territorial Park Master Planning Process
L2	3	November 9, 2000 fax from Metro discussing Issues to be Resolved following the October 26, 2000 Hearing
L3	2	Fax from Metro, received November 27, 2000, requesting the follow-up Hearing date be rescheduled to January 4, 2001
L4	1	December 1, 2000 e-mail from Ed Abrahamson, indicating that Transportation Division Issues are addressed with the revised Transportation Management Plan for Howell Territorial Park
L5	2	Agenda Placement Form requesting the Board reschedule the follow-up Hearing date to January 4, 2001

L6	5	December 13, 2000 letter from the Sauvie Island Boosters listing their concerns with this application
L7	22	Metro analysis to support supplemental Findings prepared for the January 4, 2001 Hearing, with attachments
L8	1	Staff Response to December 14, 2000 e-mail from Julie Cleavland, regarding the applicability of ORS 215.283(2)(d)
L9	3	Fax letter from the Sauvie Island Fire Department, received December 20, 2000
L10	4	Farm Management Plan for Howell Territorial Park prepared by Metro, received December 26, 2000
L11	11	Supplemental Findings and Proposed Conditions of Approval, Prepared by Metro for the January 4, 2001 Hearing
L12	2	Staff Seven Points Summary for the January 4, 2001 Hearing
L13	3	Key Issues And Recommendation Matrix Prepared By Staff for the January 4, 2001 Hearing
L14	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 4, 2001 Hearing
L15	11	Revised Supplemental Findings Prepared by Metro and Presented at the January 4, 2001 Hearing
L16	6	Revised December 13, 2000 letter from the Sauvie Island Boosters, Presented at the January 4, 2001 Hearing
L17	4	January 3, 2001 Letter from Donna Matrazzo to the Board of County Commissioners, Presented at the January 4, 2001 Hearing

Documents Received Prior to the January 30, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
M1	2	December 18, 2001 Letter from Sheilah Toomey to the Board of County Commissioners
M2	2	E-mail from Sandra Duffy, County Counsel to Ray Horton, dated January 4, 2001
M3	4	E-mail messages from citizens forwarded from Chair Stein's Office Following the January 4, 2001 Hearing
M4	27	E-mail messages from citizens forwarded from Commissioner Linn's Office Following the January 4, 2001 Hearing
M5	1	January 10, 2001 Letter from Susan Muir, Principal Planner to the Board of County Commissioners regarding Measure 7 and Quasi-Judicial Actions
M6	2	Notice of January 30, 2001 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed January 17, 2001
M7	2	Mailing List for Public Notice of the January 30, 2001 Hearing
M8	1	Receipt for Posting Signs for the January 30, 2001 Hearing
M9	2	Affidavit of Posting for the January 30, 2001 Hearing
M10	2	Staff Seven Points Summary for the January 30, 2001 Hearing
M11	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 30, 2001 Hearing

RECEIVED

01 JAN 26 PM 12:41

January 26, 2000

MULTNOMAH COUNTY
PLANNING SECTION

Beverly Stein, Chair
Multnomah County Commission
501 SE Hawthorne Blvd, Ste 600
Portland, OR 97214

Julie Cleveland
27448 NW St Helens Rd
Slip 300
Portland, OR 97056

Dear Ms. Stein:

I read with great interest Mike Burton's letter concluding discussions with Island residents in regards to the Howell Territorial Park. I think it is unproductive to get into a "he said she said" scenario in regard to which side was more willing to compromise. I do ask that the commissioners be briefed by Diane Linn's representative, Laura Bridges. Ms. Bridges was at the meeting with Metro, Islanders, and the County on January 17, 2001. She will be able to give the commissioners an unbiased report on the meeting.

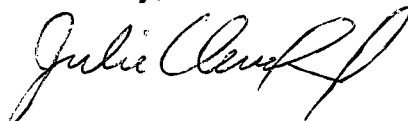
I would like to comment of the list of concessions and conditions that Metro claims to have offered during this review process. From this list of nine, I see no new concessions from what was offered by Metro at the October hearing. I do see a number of county imposed Conditions of Approval. What I do not see on this list is two concessions Metro added in its Supplemental Findings of January 4, 2001 that was submitted to the Board. These two are:

- 1) The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet.
- 2) Metro clarified that the turf fields used for overflow parking will only be used for three special events per year.

Both of these concessions can be found in the first paragraph on page 7 of the Supplemental Findings (1/4/01).

I will be submitting my legal arguments as to why the hearings officer's decision should be upheld shortly. I look forward to testifying before you and the Board next Tuesday.

Sincerely,



Julie Cleveland

RECEIVED

01 JAN 26 PM 2: 22



MULTNOMAH COUNTY
PLANNING SECTION

Sauvie Island Grange

Number 840

Date: January 25, 2001
From: Sauvies Island Grange #840
To: Multnomah County
Board of County Commissioners
Public Hearings Officer

Re: Howell Territorial Park
Conditional Use Permit Application
Case File: CU 0-2

On behalf of the 230 members of the Sauvies Island Grange #840, we appreciate the opportunity to submit the following regarding the development of the Howell Territorial Park as proposed by Metro.

The Sauvie Island Boosters, of which many are Grange members, have worked diligently on developing a response to Metro's plans for the park. We support the findings of the Boosters and hope you recognize Metro's visionary error for the development of this park.

The history of Sauvies Island can captivate and inspire. The island has a rich Native American history. Lewis and Clark camped on our shores. In a business deal to supply butter to the Russians in Alaska, the Hudson's Bay Company enlisted French Canadian, Laurent Sauve' to operate a dairy in 1838. Hence, we became known as Sauve's Island. And today, we are the proud stakeholders of a homestead from this era. If we fail to recognize and focus on this one vision, to provide our larger community with a hands-on grasp of the past, we are negligent in our treatment of heritage. The Grange is not against development of the park, however, we support development that will focus on the park's heritage. The visitors experience to the park should be rural and historical. The Historical Society should take an active role in developing and designing a plan that would accomplish those goals. We all firmly believe and practice, if it's worth doing, it's worth doing right.

Current day Sauvies Island is a viable, rural economic community. We have the only operating dairy in Multnomah County. We have farmers who grow vegetables, fruits, and flowers for sale to local distributors. We host nurseries that provide stock for market. Our livestock farmers raise cows, sheep, horses, and llamas. We are not a community of mini-mansions or elaborate estates. We are a working community with a limited infrastructure. Our bridge and roads are currently over capacity. We already host one and a half million visitors a year. We are protected by an all-volunteer fire and rescue department. With regards to these issues, we do not support that portion of the plan that calls for picnic shelters. This feature of the plan will overburden our infrastructure and interfere with our ability to maintain our economic balance by attracting more large

gatherings. We have grown with the annual Wintering-In event in large part due to it's historical, rural focus and celebration of the past. Make no mistake, this event is a burden to our community, but one we accommodate because of its' nature. We don't have the same patience with events unrelated to the Island. We cannot stress enough and you can't appreciate the importance of the fact that there is only one way on and one way off the Island, until you live here!

As stewards of the Howell property, Metro has not shown their ability to maintain the land with standard farming practices. The first Apple Ermine moth discovered in Multnomah County was on the Howell property. Tansy ragwort, a noxious weed, has taken over the property unlike anything duplicated on private land. Blackberries that many of us battle constantly, are out of control and encroaching on open areas. The fact a farm plan had to be added on appeal is a sign that this agency is unaware, incapable or unwilling to follow standard farming practices. Before Metro is allowed to develop the park, they should be required to get the land in balance and prove they are capable of being better stewards of their charge. City park maintenance is quite different from rural, farmland maintenance.

Metro and Multnomah County should not arbitrarily overlay the needs and wants of the greater community, to the detriment of our community. If there is a regional need for more picnic shelters to host large gatherings, then build them in an area that can accommodate them without hardship to economics and safety. We have an opportunity to protect and promote a rural lifestyle by the development of this park. We object to a standard park development approach for this property. Do not overlook your responsibility to provide all types of recreational experiences for citizens. Today's visitor to the park cannot get the same experience anywhere else but here. They can, however, rent a picnic shelter for a gathering at other parks in the region. A rural, historical focus for the Howell Territorial park would be a jewel for the County and for Sauvie Island. We encourage you to return this project to the drawing boards with a mandate to develop a plan with the vision for a park that would inspire the historian and naturalist alike.

Respectfully,



Don Anderson
Grange Master
Sauvie Island Grange #840

cc: Norma Paulus
Oregon Historical Society

**METRO**

Regional Parks and Greenspaces

600 NE Grand Ave. Portland OR 97232 (503) 797-1850

Metro Regional Parks and Greenspaces Department**FAX**

DATE:	<u>1/25/01</u>	FROM:	<u>Lora Price</u>
TO:	<u>Derrick Tokos</u>		<u>ENVIRONMENTAL PLANNER</u>
PHONE:	<u>503-988-3043</u>	PHONE:	<u>797-1846</u>
FAX:	<u>503-988-3389</u>	FAX:	<u>797-1849</u>
		EMAIL:	<u>pricel@metro.dst.or.us</u>

COMMENTS: Testimony Submission for Howell Territorial Park Application

NUMBER OF PAGES INCLUDING COVER SHEET

3

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

January 25, 2001

Beverly Stein, Chair
Multnomah County Commission
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214
VIA FACSIMILE

Dear Chair Stein and Multnomah County Commissioners:

I am submitting this letter as part of Metro's testimony regarding the pending Howell Territorial Park application to be discussed at your January 30th meeting. Metro staff met again with Sauvie Island residents on January 17, 2001 for further discussions and we have given serious consideration to the concerns and requests raised by them. In that meeting Metro Parks and Greenspaces staff reviewed the list of items this group was asking Metro to remove from our proposal. No position of compromise was offered to Metro. To achieve their support it was clear that we would have to do away with virtually all components of this application, and that we cannot consider.

The Commissioners asked Metro to work to achieve a compromise with the Sauvie Island residents. I think that Metro has made a good-faith effort to compromise and do not believe that we can go any further. I offer this letter in order to conclude discussions with Island residents.

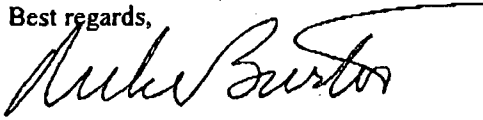
Concessions and conditions we have offered during this review process:

- We have proposed to limit visitor use to the park to fewer than 300 participants. A Traffic Management Plan will be implemented for any activity or event that Metro schedules at the park that has 300 participants or more. The Traffic Management Plan assures coordination with Sheriff and Multnomah County Transportation offices, and provides qualified traffic directors and road signage.
- Special events (which are defined as planned activities involving 300 or more participants) will be limited to three per year, including the Wintering-In Festival.
- The two additional events besides Wintering-In will be capped at 1000 persons and will not be proposed during the peak harvest period.
- Metro will provide three weeks prior notice of an upcoming event to surrounding residents.
- An ambulance and medical personnel for Annual Wintering-In will now be required and will continue to be provided.
- A Metro staff person trained and equipped with CPR/first aid will be on site for all summer weekends.
- Dedication of 10' right of way, 5' utility easement, and 20' bikeway easement along Sauvie Island Road, and agreement not to remonstrate against formation of a local improvement district for purpose of roadway improvements.
- Implementation of a Farm Plan for pasture management and replacement of perimeter fencing.
- Gating of overflow parking areas to prevent inappropriate use.

The above conditions were offered to address and satisfy concerns about potential impacts to farming practices, emergency services and traffic.

Metro is committed to preserving the unique attributes of Howell Territorial Park while also providing improved access to the public. We are also committed to being a good neighbor by defining an appropriate level of use for the park. We believe our land use application and the Master Plan, which is the result of a careful two year visioning and planning process that included the Oregon Historical Society, a citizen advisory committee of primarily island residents and considerable public outreach, achieves these objectives.

Best regards,



Mike Burton
Metro Executive Officer,

cc: Metro Presiding Officer, David Bragdon
Metro Parks and Greenspaces Director, Charles Ciecko
Chet Orloff
Lora Creswick
Derrick Tokos



METRO

**Regional Parks and Greenspaces
600 NE Grand Ave. Portland OR 97232
(503) 797-1850
FAX (503) 797 - 1849**

Fax Transmittal

Date: January 26, 2001

Project: Howell Territorial Park – Conditional Use permit application CU 0-2

To: Ms. Deborah Bogstad
Board Clerk

Address: Office of Bev Stein, Board Chair
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Fax Number: 503-988-3013

Post-it® Fax Note	7671	Date	1-26	# of pages	15
To	DERRICK TOKOS		From	LORA PRICE	
Co./Dept.	LANDUSE PLANNING		Co.	METRO	
Phone #	988-3043		Phone #	797-1846	
Fax #	988-3389		Fax #		

Subject: Submittals for January 30th public hearing

Enclosures:

Copies of support letters for Howell Park Master Plan improvements in support of a grant application to the Oregon Parks and Recreation Department – 5 pages
Copies of public contact and public involvement summaries – 5 pages
Copy of Multnomah County Resolution approving Howell Park improvements as a local share project – 4 pages

Message: Deb, we are submitting the attached supporting information, which we will reference in our testimony. Thank you in advance for providing copies to each of the Commissioners. We would in turn appreciate receiving copies of any information submitted to your office for the record on this application since January 15th. Copies may be faxed to 503-707-1849 or I would be happy to pick them up if you prefer. I can be reached directly at 797-1846. Thank You.

From: Lora Price
Cc: Ken Helm, Derrick Tokos, Lora Creswick

Exhibit A
Page 5 of 11

LOCAL GREENSPACES and TRAILS PROJECTS FORM
CAPITAL IMPROVEMENTS

To Be Funded by Metro's Greenspaces Bond Measure
(One form per project)

1. Project Title: Howell Territorial Park
2. Project Description and Location (include vicinity map on 8.5 X 11 paper):

Howell Territorial Park is a 73 acre site located on Sauvie Island which includes both cultural and natural resources of regional significance. At present this site lacks improvements necessary for public use and enjoyment of the park's natural values. This project is intended to address this deficiency. Project components include: Renovation of restrooms and entry to satisfy ADA requirements; construction of a picnic shelter, construction of pedestrian trails; construction of a waterfowl viewing blind; surfacing of the parking area.
3. Estimated Cost (detail other sources in addition to Metro bond measure):

Estimated cost is \$275,000. Leverage opportunities include:
a) Land and Water Conservation Fund
b) fund raising assistance from the Oregon Historical Society
4. Staff Contact/Address/Phone:

Betsy Williams, Director
Department of Environmental Services
2115 SE Morrison
Portland OR 97214
(503) 248-5012
5. Date:

Must be Received by Metro no later than November 1, 1994 (by 5:00 p.m.)
No Postmark FAX

Send to: Mel Huie, Metro Regional Parks and Greenspaces Department
600 NE Grand Ave., Portland, OR 97232

*MULTNOMAH CO.***Exhibit A****Summary**

Project Title	Bond Funds
Whitaker Ponds	\$300,000
Hogan Cedars/Johnson Creek	\$300,000
Tyron Creek linkages	\$300,000
Old Growth Grove	\$150,000
Howell Territorial Park	\$275,000
Oxbow Regional Park	\$1,250,000
Burlington Bottom Wetlands	\$200,000
M. James Gleason Boat Ramp	\$ 90,000
Sauvie Island Boat Ramp	\$ 50,000
Blue Lake Regional Park	\$205,000
Springwater Corridor Trail Construction	\$250,000

TOTAL**\$3,370,000***Contingency*31,5453,401,545.

WHEREAS, the goals of the Multnomah County Natural Areas Protection and Management Plan are furthered through land acquisition and improvement of existing and new natural areas, thereby helping to maintain the region's quality of life in this period of accelerated growth; now, therefore

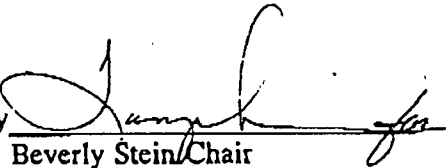
BE IT RESOLVED,

1. That the Board of County Commissioners for Multnomah County approves the list of Local Greenspace Projects as listed in Exhibit A; and
2. That the Board of County Commissioners for Multnomah County endorses and supports the Metropolitan Greenspace Bond Measure.

Approved this 20th day of October, 1994

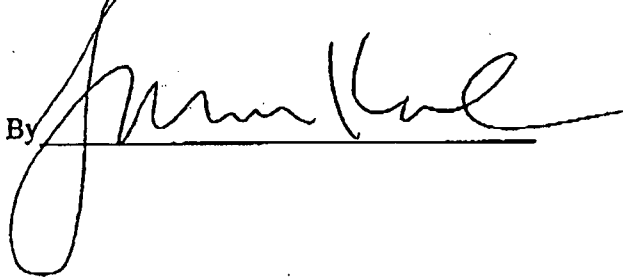


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Beverly Stein/Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By 

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR
MULTNOMAH COUNTY

A RESOLUTION APPROVING MULTNOMAH)
COUNTY'S LOCAL GREENSPACES PROJECTS) RESOLUTION
LIST AND ENDORSING THE METROPOLITAN) 94-205
GREENSPACES BOND MEASURE)

WHEREAS, Multnomah County passed a resolution supporting an intergovernmental planning process coordinated by Metro to preserve greenspaces through a regional natural areas system; and

WHEREAS, Multnomah County provided financial assistance, and staff support for the development of the Metropolitan Greenspaces Master Plan and supported its adoption; and

WHEREAS, on July 28, 1994, the Metro Council passed a resolution to submit to the qualified voters of the district the question of contracting a General Obligation Bond indebtedness of \$138.80 million for Greenspaces acquisition and improvement, including up to \$25 million for Local Government Greenspace Projects; and

WHEREAS, the measure will be placed on the ballot for the election to be held on March 28, 1995, or the earliest available election date in 1995; and

WHEREAS, Multnomah County is eligible to receive \$3,365,550 for Local Greenspace Projects based on the formula in the Metropolitan Greenspaces Master Plan; and

WHEREAS, certain County owned parks and greenspaces are in need of renovation and improvement to better serve the growing demand for natural resource dependent recreation; and

WHEREAS, in order to inform voters prior to the vote on this ballot measure, local governments that are eligible to receive funds from the Greenspaces Bond Measure must submit an approved Local Greenspaces Projects List to Metro by November 1, 1994; and

WHEREAS, the Multnomah County Natural Areas Protection and Management Plan adopted by the Board in 1992 is consistent with and complimentary to the Metropolitan Greenspaces Master Plan; and

- Prior to each Community Open House and Metro public hearings, press releases were distributed to the news media, articles were published in the Sauvie Island Outlook announcing meetings, meeting notices were posted at gathering areas on the island and mailed to several island community organizations, park neighbors and roughly 200 other interested citizens.
- Following each open house, meeting minutes were mailed to those who attended the meetings and other interested citizens on the project mailing list.

Throughout the planning process, Metro experienced positive support for the master plan by the project advisory committee, and other members of the public that were involved. If I can be of further assistance please do not hesitate to call me at 797-1843.

Sincerely,



Charles Ciecko, Director
Metro Regional Park and Greenspaces

Cc: Derrick I. Tokos, Land Use Planner

Public Involvement Activities during Master Planning Process	
July 1995 – Nov. 1995	Project updates at monthly meetings of Sauvie Island Safety Action Committee (membership includes Fire, Sheriff, Ambulance, River Patrol, S.I. Outlook, Mult. Co., ODFW)
August 1995	Present to Women's Activities Committee of Grange to solicit input on master planning.
August – December 1995	Monthly meetings of the Project Advisory Committee
Fall 1995	Conduct park user survey at Wintering In, 2 community open houses & grange meeting. 100 surveys collected.
Sept. 95- Mar. 97	Executive briefings on project to Multnomah County Commissioner's staff by Cameron Vaughan Tyler, Chief of Staff to Commissioner Dan Saltzman
Saturday, Oct. 7, 1995	Community Open House at Howell Territorial Park
November 6, 1995	Expert panel brainstorm session on interpretive themes for the park
Tuesday, Nov. 14, 1995	Community Open House at Sauvie Island School
8/95, 9/95, 4/97	Master Plan related articles in Sauvie Island Outlook
Winter/Spring 1997	Project updates at monthly meetings of Sauvie Island Rural Area Plan Task Force
March 6, 1997	Press Release announcing release of public review draft and upcoming Metro public hearings on draft
March 1997	Distribution of 50-75 draft master plans to public
March 12, 1997	Project Advisory Committee unanimous endorsement of draft Master Plan
March 18, 1997	Metro Regional Parks and Greenspaces Advisory Committee public hearing on draft Master Plan. Committee unanimously approved draft plan and forwarded recommendation for approval to Metro Council.
April 8, 1997	Metro Council Regional Facilities Committee public hearing. Committee approves draft master plan and forwards recommendation to full Council.
April 17, 1997	Metro Council public hearing. Council approves master plan.
May 6, 1997	Press Release announcing availability of Final Master Plan

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

October 30, 2000

Multnomah County Board of Commissioners
1120 SW Fifth Avenue
Portland, OR 97204

Subject: Public Involvement Activities for the Howell Territorial Park Master Planning Process

Dear Commissioners:

This letter follows up on my promise to provide you with a list of the public involvement activities that occurred during the planning process for the Howell Territorial Master Plan.

As a first priority, an 8-person Project Advisory Committee was established to provide independent review throughout the master planning process. The committee membership (noted below) consisted of primarily island residents who represented stakeholders throughout the community. The committee was given the opportunity of adding another member of their choice to the committee but decided instead to invite guest speakers in as needed.

Committee Member	Affiliation
Jean Fears	island resident / Sauvie Island Outlook editor / Grange Member
Donna Matrazzo	island resident / Sauvie Island Conservancy board member
Angela Schillereff	island resident / President Boosters Club
Marge Taber	- adjacent landowner / last descendent of Howell family to live in historic Bybee-Howell farm house
Mabel Dudley	adjacent landowner / last descendent of Howell family to live in historic Bybee-Howell farm house (sister of Marge)
Terry Dufour	island resident / Manager, ODFW Wildlife Refuge
Cameron Vaughan Tyler	Chief of staff to Commissioner Dan Saltzman
Jack Cleaver	Curator Oregon Historical Society

- November 16, 2001 - Met with boosters and residents (23 in attendance) to clarify proposal, obtain more farming information, hear general concerns and address issues
- 11/16-12/13/00 two follow up letters sent and several phone messages left with Mr. Posvar to continue discussions on emergency issue
- November 22, 2001 - Letter to Editor-Sauvie Island Gazette, responding to articles in paper, to clarify steps we have taken to address islander concerns
- 11/19-11/29 - Several follow up emails with Sheila Toomey to discuss interpretation panels
- November 27, 2000 - Email correspondence with Donna Matrazzo to respond to concerns regarding picnic shelters
- December 13, 2000 - Phone Conversation w/ David Eggers, lessee of Erwin Douglas property to learn about his farming practices and general concerns.
- December 19, 2000 - Phone and email correspondence with Ray Horton
- December 27, 2000 - Phone conversation with Jon Hogan responding to general questions
- Notice of January 4th hearing in December issue of Sauvie Island Gazette.
- January 4th Public Hearing
- January 10, 2001 - Sent copies of Farm Management Plan to Mr. Wiley and Mr. Grande
- January 10, 2001 - Phone conversation with Kay Demerow responding to questions about park plans.
- January 10, 2001 - Meeting with Jerry Penk to answer questions and provide additional documentation.
- January 12, 2001 - Sent additional research information to Kay Demerow on garden restoration for the grounds.
- 1/9-1/11 - Coordination with Lora Creswick for grange meeting.
- January 17, 2001 - Meeting with Sauvie Island residents at Grange Hall to listen to and consider alternatives to proposal.
- January 18, 2001 - Copy of grant application provided to Sheila Toomey
- January 26, 2001 - Copy of O&M capital projects on House and Inspection report provided to Lora Creswick

Summary of contact with Sauvie Island residents and other citizens during permit application process April 2000 - present

- April 2000 - contacted Julie Cleveland, Editor of Sauvie Island Gazette to put article in paper to review park plan and announce first public hearing. Article was included in the May Gazette.
- Posted 4 signs on site (10 days prior) as public notice to hearing. Mailings made to surrounding neighbors and hearing publicized in the Oregonian.
- Public Hearing held May 17th, 2000; It was attended by Mr. Wiley, Mr. Grande, bridge committee and Drainage district representatives.
- May 23, 2000 Janelle Geddes and Lora Price met with Mr. Wiley and Mr. Grande to examine field conditions that were described at hearing and begin remedies.
- Two phone conversations were made with Mr. Wiley regarding follow up on fence and weeds.
- July 29, 2000 - Lora and Janelle met with surrounding farmers to discuss farm practices and potential impacts. Attending: Mr. Wiley, Mr. Grande, Laura Weaver (Baileys Nursery representative), Mr. Douglas and Tamara Fulton.
- August 2000 - Follow up calls were made with Mr. Douglas and Ms Weaver to learn more specific information about their pesticide application practices.
- October 2, 2000 - Letter provided to Jenny Rosenberger who requested information about the project.
- October 2000 - Notices posted on site, mailing to neighbors and newspaper advertisement to give public notice to next public hearing. Notice was also included in the Sauvie Island Gazette.
- October 26, 2000, second public hearing. Lora Creswick and Mr. Mohr attended and testified.
- Early November - Several phone conversations with Lora Creswick to discuss park plans and to coordinate meetings with Sauvie Island residents
- November 14, 2000 - Meeting with Sheila Toomey at Metro to show proposal, provide information and answer questions
- November 14, 2000 met with Safety Action Committee, to discuss site proposal and address emergency concerns

**CORPS RESTORING THE URBAN ENVIRONMENT**

April 18, 2000

Marilyn Almero Lippincott
Oregon Parks and Recreation Department
1115 Commercial Street NE, Suite 1
Salem, Oregon 97301-1002

Dear Ms. Lippincott,

We are excited to participate with Metro Regional Parks and Greenspaces on the implementation of the first phase of the Howell Territorial Park master plan. Over two years ago, I took students to the park to participate in the public input session that kicked off the master planning process for the park. The park is an underutilized gem of Northwest Portland, just downstream from Open Meadow which is located on the banks of the Willamette at the St. John's bridge. This is a project whose time has come.

Students from Open Meadow's Corps Restoring the Urban Environment would participate in the planting and design aspects of this first phase, including planting, mulching, and staking around the bio-swale around the parking lot in the fall of 2000, and planting, mulching and staking plants around the picnic shelter and the house in the spring of 2000. CRUE has been involved with similar projects with Metro at Smith and Bybee Lakes and with the City of Portland's Water Bureau and Bureau of Environmental Services at over sixteen different sites along the Columbia Slough.

These are the types of projects sought out by the CRUE program because they entail stewardship of natural resources in the neighborhoods and areas used by the youth and residents of those neighborhoods. The work at Howell Territorial Park enables the students of the CRUE program to get involved with the work on this project from the beginning.

We are asking Metro to provide \$1800 of support to cover some transportation, tool, and supervision costs. Total cost for CRUE's participation in the project would be \$6500; CRUE will provide student academic instruction, facility support, and a portion of the project supervision costs. We hope Oregon State Parks supports this exciting effort.

Sincerely,

Andrew Mason
CRUE Program Director



Friends of Trees

Board of Directors

Jim Gersbach
PRESIDENT
Fritz Paulus
PRESIDENT-ELECT
J. Michael Reid
TREASURER
Joy Ellis
SECRETARY
Jacqueline Babicky
Donald Carlson
James Cathcart
Diane Charlton
Wayne Lei
Marcia Fry
Katherine Turner

Advisory Council

Sharif Abdullah
Forum for
Community Transformation
James DePriest
Oregon Symphony
Commissioner Charlie Hales
City of Portland
Mike Houch
Urban Streams Council
Charles Jordan
Portland Parks & Recreation
Mayor Vera Katz
City of Portland
Terence O'Donnell
Historian, Author, Lecturer
Richard Soidman
Founder, Friends of Trees
Chairwoman Beverly Stein
Multnomah Co. Commission
Beth Stout
National Wildlife Federation
Barbara Walker
Urban Open Spaces
The Hon. Ron Wyden
U.S. Senate

Staff

Lin Hazmon-Walker
Executive Director
Tuck Clinehens
Manager, Natural Area Program
Ashley Fessler
Manager, Neighborhood Program
Mary Harrell
Office Manager
Rebecca Kessler
Development Assistant
Sheryl Sackman
Director of Development
and Communications

April 24, 2000

Marilyn Almero Lippincott
Oregon Parks and Recreation Department
1115 Commercial Street NE, Suite 1
Salem, OR 97301-1002

Dear Ms. Lippincott:

I am writing on behalf of Friends of Trees to express our support of Metro's Howell Park Proposal. We look forward to working with Metro Parks and Greenspaces as they implement the first phase of the Master Plan for Howell Territorial Park. This pioneer homestead farm on Sauvie Island will provide an important recreation opportunity in the region. In addition to the historic Bybee house and orchard, the property includes a wetland lake that provides habitat for migratory waterfowl and birds of prey.

Project partners including Friends of Trees and CRUE will support Metro's work at Howell Territorial Park by providing assistance with the planting plan and the community planting days. Controlling invasive plant species such as *Rubus discolor* and planting native trees, shrubs and wetland emergents around the lake will improve the quality of wildlife habitat. The nature path, interpretive signs, and observation blinds will enable park visitors to enjoy and learn about the wildlife they observe.

Friends of Trees partners with public agencies and Friends groups to help plan and implement vegetative restoration projects in the Portland area. We help public agencies and Friends groups accomplish important restoration work that offers citizens rewarding volunteer opportunities. Tree planting volunteers learn the importance of healthy watersheds, often take an active role in other stewardship activities, and enjoy the positive experience of planting trees and lending a hand. Volunteer involvement strengthens community as volunteers meet new people and work together as a team.

During the past four years, Friends of Trees has recruited over 4,000 volunteers to plant native trees and shrubs in disturbed natural areas. We are skilled in managing volunteers and completing high quality projects. Our Crew Leader Training Program offers learning and leadership skills to a core group of volunteers who then teach others how to plant correctly and safely on planting day. Friends of Trees looks forward to joining Metro in their efforts to implement the first phase of the Master Plan for Howell Territorial Park.

Thank you for considering Metro's proposal. If you have any questions please feel free to contact me.

Sincerely,

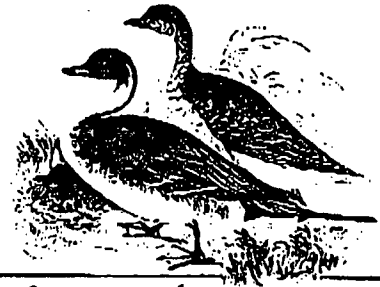
Tuck Clinehens

Tuck Clinehens
Natural Area Program Manager, Friends of Trees
282-8846 ext. 15
tuck@friendsoftrees.org

2831 NE Martin Luther King Jr. Blvd. Portland, Oregon 97212

Phone 503 282-8846 Fax 503 282-9471 e-mail fot@teleport.com www.friendsoftrees.org

SAUVIE ISLAND Conservancy



dedicated to the preservation of island rural life, wildlife & natural recreation areas

19300 NW Sauvie Island Rd.
Portland, OR 97231
24 April 2000

Charles Ciecko, Director
Metro Parks and Greenspaces
600 NE Grand Ave.
Portland, OR 97232

Dear Mr. Ciecko,

The Sauvie Island Conservancy strongly supports the Howell Territorial Park Renovation and Interpretation Project. We were involved in the master planning process and are enthusiastic about the plans to make the site a more educational experience with extensive restoration of the wetland's natural resources.

The Conservancy has utilized the site in many different ways for environmental education. Some examples include: Leading visitors on Wetlands Walks during the Wintering-In annual celebration. Teacher training for Antioch College. Educating international scientists and other visitors from the World Affairs Council. A stopping-off point for "Wild in the City" Raptor-viewing bicycle rides.

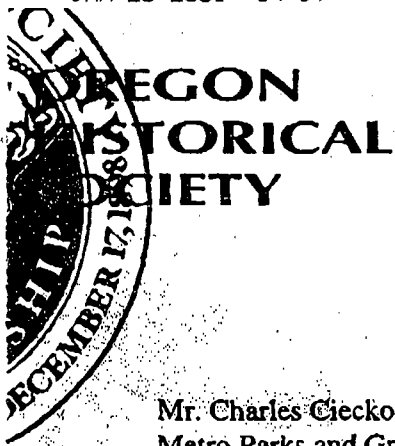
Sauvie Island, with its more than three hundred species of wildlife and habitat for tens of thousands of migrating birds, is an exceptionally valuable natural resource for the region. We believe that the completion of the Howell Park Renovation and Interpretation Project will enable it to become more of an educational experience, allowing us to teach more people about protecting the island and its wildlife.

Sincerely,

Donna Matrazzo

for

The Sauvie Island Conservancy



April 12, 2000

Mr. Charles Ciecko
Metro Parks and Greenspaces
Director
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Dear Mr. Ciecko:

The Oregon Historical Society wishes to express its strong support for Metro's proposal to the State of Oregon for funds to complete Phase 1 and Phase 2 of the Howell Park Renovation and Interpretation Project.

The Oregon Historical Society in participation with Multnomah County created Howell Park in the 1950s. The Park is located at the center of one of the most historically rich corners of Oregon. Its access to Oregonians makes it even more valuable as a park for recreation and interpretation.

The Society looks forward to its continuing partnership with Metro to provide services to the people of the metropolitan area. With the completion of this project for which Metro is now seeking funds, Oregonians will have a gem of a park in which they can learn the natural history of the lower Columbia Basin, as well as the pre-history and history of the Oregon Country - from native cultures, Lewis and Clark and the fur trade, to the Oregon Trail, agricultural and modern land-use planning.

Please let me know if the Society can provide future assistance in making the case for state support for this project. Thank you.

Sincerely,

Chet Orloff
Executive Director

CO:ch



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Sauvie Island Wildlife Area
18330 NW Sauvie Island Road
Portland, OR 97231
(503) 621-3488
FAX (503) 621-3025



April 20, 2000

Marilyn Almero Lippincott
Oregon Parks and Recreation Department
1115 Commercial Street NE, Suite 1
Salem, OR 97301-1002

Dear Ms. Lippincott:

I would like to take this opportunity to share our agency's involvement in the master planning process for Howell Territorial Park and give our support to the proposed improvements. Terry Dufour, my predecessor, served as a technical advisor on the 8 member Project Advisory Committee along with other residents of Sauvie Island representing an array of perspectives. Terry was instrumental in defining the goals for habitat protection and establishing the appropriate level of public access for Howell Park.

I believe the master plan successfully represents a consensus of public support because of the independent review and input of the Advisory Committee and broader community. As the another public agency on the island, we are very much aware of the lack of and need for public amenities for visitors to the island and give our full support to the improvements proposed for the first phase of implementation at Howell Territorial Park.

Sincerely,

A handwritten signature in cursive script, reading "Mark A. Nebeker".

Mark A. Nebeker
Manager
Sauvie Island Wildlife Area

RECEIVED

01 JAN 29 AM 9:15

MULTNOMAH COUNTY
PLANNING SECTION

ADDENDUM TO WRITTEN TESTIMONY OF JULIE CLEVELAND

Submitted 1/29/01

TRAFFIC STUDY FLAWED

Upon further analysis of the traffic report compiled by Kittelson & Associates, I found an error in the data collected for its Roadway Traffic Study (Attachment 1). Kittelson failed to collect data on northbound traffic entering NW Sauvie Island Road from the northbound intersection of NW Gillihan Road. This negates the analysis used to determine whether or not a right hand turn lane is necessary onto NW Gillihan Road. This study was taken from Friday, October 29, 1999 - Monday November 1, 1999.

On page 6 of Kittelson's 1999 report, it states the purpose of this study:

"To confirm that Saturday early afternoon period is the true peak traffic period on NW Sauvie Island Road near Howell Park, a machine traffic count was obtained on the roadway just south of NW Howell Park Road, from Friday, October 29 through Sunday, October 31. The count is presented in Figure 4, and indicates that the Saturday early afternoon period is representative of a peak traffic period on the roadway. Attachment "D" contains the roadway traffic survey used in this study.

During the Saturday peak hour at the NW Howell Park Road/NW Sauvie Island Road intersection, only 15 vehicles entered the site driveway, and 10 vehicles exited the driveway. Nearly all of this traffic was oriented to/from the south. During this survey day, there were no major events scheduled for Howell Park."

As previously stated in my written testimony, traffic at the time this survey was taken was at a near standstill resulting the high volume of vehicles trying to leave the Island from all three of its Rural Collector Roads. This created a bottleneck at the bridge even with the Multnomah County Sheriff's Department personnel controlling the signal on US HWY 30.

WHERE IT WENT WRONG

Kittelson also did a traffic study to examine existing traffic conditions on October 2, 1999. This study focused on turning movement counts. **Data was collected between the hours of 1pm and 3pm at THE TWO NW SAUVIE ISLAND ROAD/NW GILLIHAN ROAD INTERSECTIONS (north and south) and NW Sauvie Island Road/Highway 30 intersection (Attachment 2).**

However, the more in depth Roadway Traffic Survey conducted Oct. 29 - Nov. 1, did not do road counts at both the SW Sauvie Island Road/NW Gillihan Road intersections that feeds northbound and southbound onto NW Sauvie Island Road. **The survey (listed as Attachment "D" by Kittelson, shows the location of the road counter for the entire survey as being only "SOUTH OF GILLIHAN ROAD".** For an accurate count of the northbound traffic, Kittelson needed to locate road counters north of NW Gillihan Road intersection as well.

If one interprets the counter being south of the southbound intersection on NW Sauvie Island Rd and NW Gillihan Road, then the survey failed to accurately count the northbound traffic entering NW Sauvie Island Road from NW Gillihan's northbound intersection. This means vehicle count of cars passing NW Howell Park Road is inaccurate.

If one interprets the counter as being located south of the northbound intersection of NW Sauvie Island and NW Gillihan Road, then the survey failed to accurately count the southbound traffic entering NW Sauvie Island Road from NW Gillihan's southbound intersection AND fails to count the northbound traffic entering NW Sauvie Island Road from NW Gillihan's northbound intersection. This means the vehicle count of cars in both directions is inaccurate.

With either interpretation, the data collected represents a lower count of vehicles than were actually on the roadway. The traffic volume data on Kittelson's Figure 4 is flawed (Attachment 3).

IMPACTS OF THIS ERROR

Because of this flawed study, Kittelson cannot give an accurate analysis of the traffic impacts the proposed development will have on farming, fire and rescue, and hazardous road conditions during normal everyday use and use during special events.

Based on the data collected, Kittelson cannot project 5700 vehicle trips per day on NW Sauvie Island Road.

Based on the data collected, Kittelson cannot accurately evaluate the need for a right hand turn lane from NW Sauvie Island Road onto NW Howell Park Road.

The application cannot be approved.

submitted by:

Julie Cleveland, B.S. Resource Recreation Management, Environmental Interpretation, Oregon State University

Attachment 1

Attachment "D"

Roadway Traffic Survey

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:40AM P2

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: NORTH BOUND
 Date: 10/29/99
 Day of Week: FRIDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	0	0	0	0	0	0	0	0	0	0	0	0	0
01-02	0	0	0	0	0	0	0	0	0	0	0	0	0
02-03	0	0	0	0	0	0	0	0	0	0	0	0	0
03-04	0	0	0	0	0	0	0	0	0	0	0	0	0
04-05	0	0	0	0	0	0	0	0	0	0	0	0	0
05-06	0	0	0	0	0	0	0	0	0	0	0	0	0
06-07	0	0	0	0	0	0	0	0	0	0	0	0	0
07-08	0	0	0	0	0	0	0	0	0	0	0	0	0
08-09	0	0	0	0	0	0	0	0	0	0	0	0	0
09-10	0	0	0	0	0	0	0	0	0	0	0	0	0
10-11	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	0	0	0	0	0	0	0	0	0	0	0	0	0
12-13	0	0	0	0	0	0	0	0	0	0	0	0	0
13-14	0	0	0	0	0	0	0	17	16	14	15	13	75
14-15	21	13	7	7	11	8	14	11	14	7	17	12	142
15-16	22	10	11	12	18	13	20	9	23	20	13	16	187
16-17	10	17	14	12	14	15	17	18	16	12	20	17	182
17-18	13	9	11	9	21	11	16	12	11	11	15	18	157
18-19	12	14	8	7	12	12	12	9	9	8	11	4	118
19-20	15	7	6	11	10	8	13	5	11	9	8	7	110
20-21	8	5	8	1	6	6	3	6	8	9	9	7	76
21-22	10	7	10	7	7	7	7	3	2	6	5	1	72
22-23	3	6	7	3	7	10	3	5	6	5	1	3	59
23-24	2	2	7	2	3	2	2	4	1	4	3	3	35

Daily Total:

AM Peak Hour {

PM Peak Hour {

4th Highest Hour {

8th Highest Hour {

% of Daily Total

% of Daily Total

% of Daily Total

% of Daily Total

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:41AM P3

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: NORTH BOUND
 Date: 10/30/99
 Day of Week: SATURDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	4	7	3	4	1	0	1	1	5	2	0	2	30
01-02	1	5	1	0	1	4	1	1	1	0	1	1	17
02-03	1	1	0	0	2	1	2	2	4	5	1	1	20
03-04	4	0	2	1	1	1	1	1	1	3	4	0	19
04-05	0	2	1	1	6	2	3	6	18	11	9	7	66
05-06	7	8	12	12	4	4	6	2	6	7	9	8	85
06-07	4	6	8	12	15	14	10	14	8	11	4	6	112
07-08	5	6	11	0	1	3	5	5	3	3	6	6	54
08-09	3	2	6	2	4	7	4	5	5	7	8	6	59
09-10	12	5	13	6	8	7	10	8	8	15	19	15	126
10-11	13	21	11	6	20	19	16	11	11	18	15	17	178
11-12	15	12	12	17	26	27	26	20	20	19	13	23	230
12-13	15	28	15	25	13	27	15	22	23	33	23	18	257
13-14	21	23	26	20	26	24	22	21	31	34	26	30	304
14-15	26	25	22	22	21	22	29	23	23	36	25	24	298
15-16	21	22	25	24	19	26	23	23	15	25	22	25	270
16-17	27	29	22	17	14	12	17	17	12	15	16	20	218
17-18	14	14	13	10	13	14	12	6	11	3	13	14	137
18-19	7	8	9	13	4	6	11	14	11	13	13	14	123
19-20	8	7	16	9	9	7	5	8	10	3	8	5	95
20-21	6	5	5	5	6	8	4	12	2	6	8	4	71
21-22	4	3	5	2	9	6	6	5	3	1	2	4	60
22-23	8	4	4	4	0	2	1	3	1	3	4	7	41
23-24	3	4	2	1	2	1	1	4	6	3	3	5	35

Daily Total: 2895

AM Peak Hour (11:00-12:00) 230

PM Peak Hour (13:40-14:40) 311

4th Highest Hour (12:00-13:00) 257

8th Highest Hour (17:00-18:00) 137

7.94 % of Daily Total

10.74% of Daily Total

8.88 % of Daily Total

4.73 % of Daily Total

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:41AM P4

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: NORTH BOUND
 Date: 10/31/99
 Day of Week: SUNDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	5	1	3	0	2	1	1	3	1	2	3	3	25
01-02	1	3	0	2	0	3	1	1	1	0	1	0	13
02-03	3	1	0	1	2	2	0	0	3	1	0	5	18
03-04	1	0	0	0	0	0	3	0	1	0	1	1	7
04-05	1	1	1	0	1	0	0	1	1	0	2	1	9
05-06	0	2	0	2	0	0	1	3	0	0	0	2	10
06-07	2	1	1	7	1	4	5	8	7	9	15	5	65
07-08	3	9	3	2	4	2	3	5	2	0	1	2	36
08-09	6	4	4	2	3	3	4	5	2	5	4	5	47
09-10	2	6	6	6	8	4	8	11	2	4	5	10	72
10-11	6	8	8	6	10	9	6	9	9	9	8	9	97
11-12	7	10	14	11	9	14	12	17	12	18	15	13	152
12-13	10	15	10	14	15	11	16	20	12	17	20	18	178
13-14	17	16	12	16	19	25	17	19	19	23	13	20	216
14-15	13	18	18	23	21	26	22	24	26	25	19	13	248
15-16	20	24	24	33	16	13	22	19	19	14	29	20	253
16-17	18	12	21	22	19	12	14	12	9	12	18	12	181
17-18	14	8	11	9	7	13	11	7	12	12	16	7	127
18-19	6	7	4	6	8	11	15	5	3	8	2	3	78
19-20	6	4	1	8	5	2	4	3	4	5	2	1	45
20-21	2	1	2	4	3	12	5	6	5	7	6	11	64
21-22	5	9	6	5	5	5	1	4	5	6	4	2	57
22-23	7	6	5	1	4	5	5	4	6	6	4	4	57
23-24	4	0	5	1	8	3	2	0	3	1	1	1	29

Daily Total: 2084

AM Peak Hour (11:00-12:00) 152

7.29 % of Daily Total

PM Peak Hour (14:20-15:20) 277

13.29 % of Daily Total

4th Highest Hour (16:00-17:00) 181

8.69 % of Daily Total

8th Highest Hour (10:00-11:00) 97

4.65 % of Daily Total

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:42AM P5

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: NORTH BOUND
 Date: 11/1/99
 Day of Week: MONDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	1	6	4	2	1	3	1	1	0	1	4	2	26
01-02	1	2	0	1	2	0	0	1	2	0	0	0	9
02-03	3	0	0	0	1	1	1	1	1	1	1	1	11
03-04	1	2	0	0	0	0	1	0	3	0	1	1	9
04-05	1	1	0	0	0	1	0	0	2	0	0	5	10
05-06	2	4	1	3	2	3	6	2	2	4	0	0	29
06-07	0	1	1	4	3	6	7	3	7	2	4	3	41
07-08	4	4	3	8	6	10	7	8	11	4	9	7	81
08-09	4	6	2	10	7	2	5	11	13	9	4	13	86
09-10	11	5	9	6	13	4	9	7	6	8	9	11	98
10-11	9	8	7	10	10	7	14	13	11	6	16	0	111
11-12	0	0	0	0	0	0	0	0	0	0	0	0	0
12-13													
13-14													
14-15													
15-16													
16-17													
17-18													
18-19													
19-20													
20-21													
21-22													
22-23													
23-24													

Daily Total:

AM Peak Hour { }

PM Peak Hour { }

4th Highest Hour { }

8th Highest Hour { }

% of Daily Total

% of Daily Total

% of Daily Total

% of Daily Total

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: SOUTH BOUND
 Date: 10/29/99
 Day of Week: FRIDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	0	0	0	0	0	0	0	0	0	0	0	0	0
01-02	0	0	0	0	0	0	0	0	0	0	0	0	0
02-03	0	0	0	0	0	0	0	0	0	0	0	0	0
03-04	0	0	0	0	0	0	0	0	0	0	0	0	0
04-05	0	0	0	0	0	0	0	0	0	0	0	0	0
05-06	0	0	0	0	0	0	0	0	0	0	0	0	0
06-07	0	0	0	0	0	0	0	0	0	0	0	0	0
07-08	0	0	0	0	0	0	0	0	0	0	0	0	0
08-09	0	0	0	0	0	0	0	0	0	0	0	0	0
09-10	0	0	0	0	0	0	0	0	0	0	0	0	0
10-11	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	0	0	0	0	0	0	0	0	0	0	0	0	0
12-13	0	0	0	0	0	0	0	0	0	0	0	0	0
13-14	0	0	0	0	0	0	0	0	0	7	12	14	33
14-15	12	14	17	13	15	14	7	13	14	17	5	17	158
15-16	6	8	17	16	16	10	21	15	21	16	8	13	167
16-17	7	15	4	12	15	7	16	16	13	6	12	16	139
17-18	11	15	14	12	5	7	13	17	20	9	9	7	139
18-19	12	9	12	12	14	15	18	10	8	13	4	11	138
19-20	10	13	7	9	5	7	7	3	4	6	5	1	77
20-21	2	4	5	6	1	1	4	3	1	2	12	4	45
21-22	5	3	3	8	4	5	5	3	6	1	2	3	48
22-23	4	3	3	3	3	1	7	5	2	2	1	0	34
23-24	3	0	0	2	0	2	3	1	2	1	1	1	16

Daily Total:

AM Peak Hour ()

% of Daily Total

PM Peak Hour ()

% of Daily Total

4th Highest Hour ()

% of Daily Total

8th Highest Hour ()

% of Daily Total

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: SOUTH BOUND
 Date: 10/30/99
 Day of Week: SATURDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	0	0	1	2	1	1	0	0	0	0	0	1	6
01-02	0	1	0	1	0	0	0	2	0	2	0	2	8
02-03	0	0	1	0	0	1	2	2	0	1	4	1	12
03-04	0	0	0	1	0	1	1	0	0	0	1	1	5
04-05	0	1	2	0	0	0	0	2	0	0	1	0	6
05-06	1	0	5	2	1	3	4	2	0	3	1	1	23
06-07	3	1	2	1	2	3	4	4	3	4	7	1	35
07-08	2	3	5	5	0	3	4	5	7	3	5	4	46
08-09	3	4	3	4	4	7	5	3	7	5	12	9	66
09-10	16	6	3	8	6	7	7	7	10	8	13	16	107
10-11	13	13	14	14	11	15	10	14	15	12	18	20	169
11-12	18	14	11	17	19	17	17	19	14	19	20	15	200
12-13	16	20	18	19	19	16	17	18	31	20	20	35	249
13-14	21	18	19	27	31	25	22	20	17	22	23	27	272
14-15	18	16	29	24	20	21	21	30	34	23	26	17	279
15-16	21	21	23	25	21	28	20	21	39	17	28	36	300
16-17	24	19	25	22	22	20	27	33	37	21	26	28	304
17-18	30	20	24	21	30	34	20	16	21	22	19	23	280
18-19	19	21	19	21	12	21	21	22	22	15	11	10	214
19-20	11	5	10	11	10	12	7	3	3	7	3	2	84
20-21	6	8	5	7	3	2	9	4	6	3	4	5	62
21-22	3	5	5	7	2	9	6	4	4	4	1	0	50
22-23	2	1	8	0	5	1	6	2	4	6	1	1	37
23-24	2	2	1	1	0	3	0	0	1	0	0	1	11

Daily Total: 2825

AM Peak Hour (10:55-11:55) 205

PM Peak Hour (16:30-17:30) 331

4th Highest Hour (14:00-15:00) 279

8th Highest Hour (11:00-12:00) 200

7.26 % of Daily Total

11.72% of Daily Total

9.88 % of Daily Total

7.08 % of Daily Total

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:43AM PB

ROADWAY TRAFFIC SURVEY

Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: SOUTH BOUND
 Date: 10/31/99
 Day of Week: SUNDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	2	1	0	1	0	4	0	0	1	1	2	0	12
01-02	3	1	2	0	0	1	1	1	0	1	0	1	11
02-03	1	1	2	0	1	0	1	0	0	0	0	0	6
03-04	0	1	0	0	0	3	1	3	0	2	0	0	10
04-05	1	0	0	1	0	0	0	1	0	0	0	2	5
05-06	0	1	0	0	1	0	0	0	3	0	0	0	5
06-07	1	1	1	1	2	0	1	0	1	0	0	0	8
07-08	3	0	4	1	3	4	4	1	0	1	1	2	24
08-09	3	6	4	1	0	1	2	5	2	7	5	2	38
09-10	2	6	6	3	7	3	7	3	9	3	10	12	71
10-11	7	12	4	10	15	5	4	9	14	15	10	17	122
11-12	11	9	15	13	9	10	6	9	12	8	18	18	138
12-13	7	10	23	10	14	10	8	9	15	13	21	12	152
13-14	17	15	18	7	25	11	17	22	13	13	8	24	190
14-15	13	14	16	13	15	19	14	18	17	18	16	12	185
15-16	13	21	27	17	21	21	18	24	16	20	14	29	241
16-17	12	16	20	19	18	20	21	27	22	21	23	19	238
17-18	16	26	18	18	16	18	21	12	9	16	12	14	196
18-19	22	15	24	20	10	15	11	15	10	5	7	4	158
19-20	3	10	2	6	10	3	4	2	4	6	6	1	57
20-21	3	3	4	1	3	5	2	1	2	1	2	5	32
21-22	6	3	2	1	2	5	2	2	3	5	1	0	32
22-23	5	4	1	3	0	2	2	2	0	1	2	2	24
23-24	1	1	3	4	2	1	2	0	3	2	0	1	20

Daily Total: 1975

AM Peak Hour (11:00-12:00) 138

6.99 % of Daily Total

PM Peak Hour (16:10-17:10) 252

12.76% of Daily Total

4th Highest Hour (13:00-14:00) 190

9.62 % of Daily Total

8th Highest Hour (11:00-12:00) 138

6.99 % of Daily Total

FROM : TRAFFIC SMITHY

PHONE NO. : 5036438866

Nov. 03 1999 09:43AM P9

ROADWAY TRAFFIC SURVEY

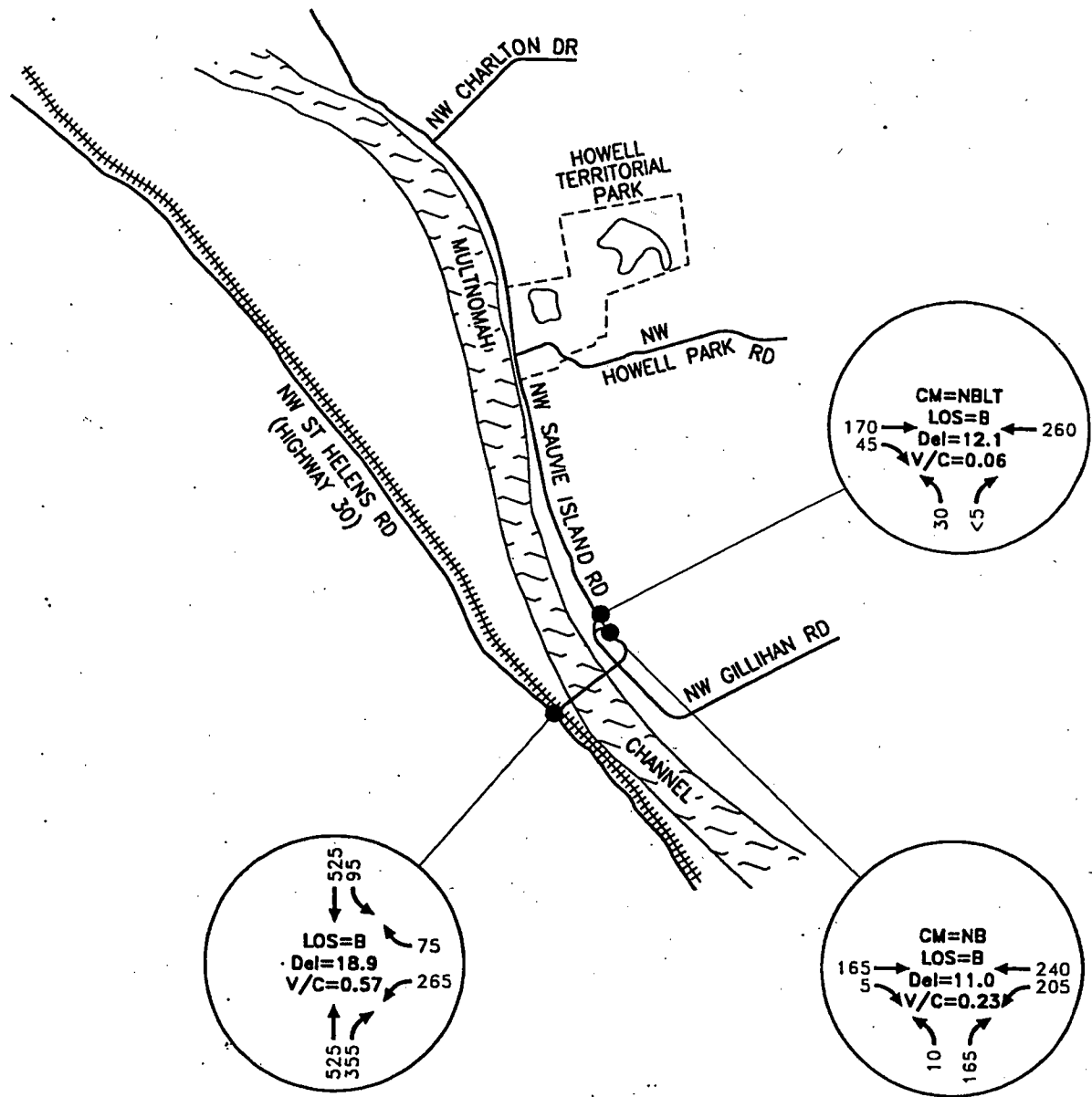
Roadway: SAUVIE ISLAND ROAD
 Location: SOUTH OF GILLIHAN ROAD
 Direction: SOUTH BOUND
 Date: 11/1/99
 Day of Week: MONDAY
 Axles per Vehicles: 2

Traffic Smithy
 Traffic Survey Service

Hour of Day	:00- :05	:05- :10	:10- :15	:15- :20	:20- :25	:25- :30	:30- :35	:35- :40	:40- :45	:45- :50	:50- :55	:55- :00	Hour Tot.
00-01	0	0	0	1	0	1	2	3	1	0	2	1	11
01-02	2	0	2	0	0	1	0	0	0	2	0	0	7
02-03	1	1	0	0	0	0	0	0	0	1	1	3	7
03-04	0	0	1	1	0	0	0	0	0	0	3	1	6
04-05	0	1	0	0	0	0	2	0	0	0	1	0	4
05-06	0	0	0	0	1	0	2	3	2	2	0	1	11
06-07	3	1	4	2	1	6	3	2	6	1	5	3	37
07-08	4	4	5	9	12	2	10	7	10	8	9	14	94
08-09	5	10	14	11	16	19	12	19	13	21	10	15	165
09-10	7	7	14	12	7	8	9	14	7	13	12	9	119
10-11	16	14	17	11	8	10	2	16	15	8	9	5	131
11-12	0	0	0	0	0	0	0	0	0	0	0	0	0
12-13													
13-14													
14-15													
15-16													
16-17													
17-18													
18-19													
19-20													
20-21													
21-22													
22-23													
23-24													

Daily Total:
 AM Peak Hour () % of Daily Total
 PM Peak Hour () % of Daily Total
 4th Highest Hour () % of Daily Total
 8th Highest Hour () % of Daily Total

ATTACHMENT 2



NOTE: COUNTS ON SATURDAY
OCTOBER 2, 1999

1999 EXISTING TRAFFIC VOLUMES SATURDAY PM PEAK HOUR

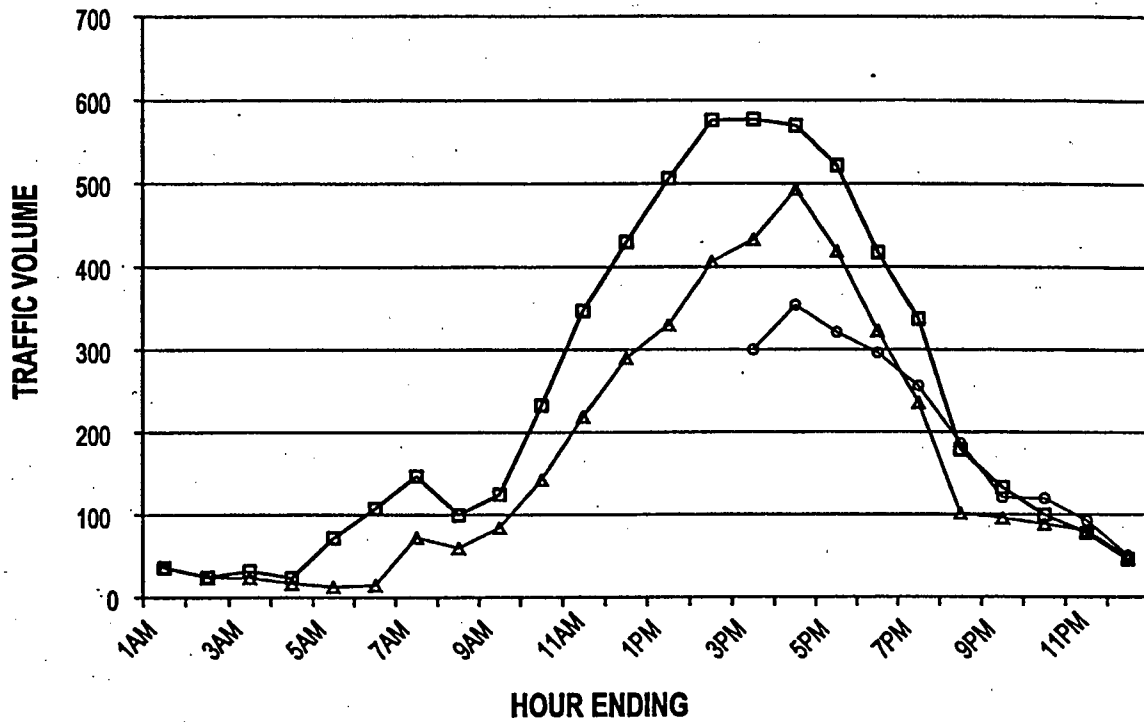
HOWELL TERRITORIAL PARK EXPANSION
MULTNOMAH COUNTY, OREGON
DECEMBER 1999

FIGURE

3



3R47F003



* NOTE: COUNT SOUTH OF
NW HOWELL PARK RD

- Friday (10/29/99)
- Saturday (10/30/99)
- △— Sunday (10/31/99)

HOURLY TRAFFIC VOLUME NW SAUVIE ISLAND RD

HOWELL TERRITORIAL PARK EXPANSION
MULTNOMAH COUNTY, OREGON
DECEMBER 1999

FIGURE
4



RECEIVED

01 JAN 29 AM 9:17

MULTNOMAH COUNTY
PLANNING SECTION

January 26, 2001

Beverly Stein, Chair
Multnomah County Commission
501 SE Hawthorne Blvd, Ste 600
Portland, OR 97214

Julie Cleveland
27448 NW St Helens Rd
Slip 300
Portland, OR 97056

Dear Ms. Stein:

I read with great interest Mike Burton's letter concluding discussions with Island residents in regards to the Howell Territorial Park. I think it is unproductive to get into a "he said she said" scenario in regard to which side was more willing to compromise. I do ask that the commissioners be briefed by Diane Linn's representative, Laura Bridges. Ms. Bridges was at the meeting with Metro, Islanders, and the County on January 17, 2001. She will be able to give the commissioners an unbiased report on the meeting.

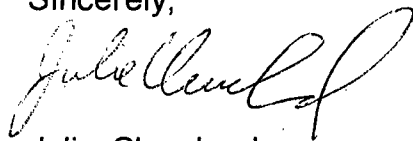
I would like to comment of the list of concessions and conditions that Metro claims to have offered during this review process. From this list of nine, I see no new concessions from what was offered by Metro at the October hearing. I do see a number of county imposed Conditions of Approval. What I do not see on this list is two concessions Metro added in its Supplemental Findings of January 4, 2001 that was submitted to the Board. These two are:

- 1) The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet.
- 2) Metro clarified that the turf fields used for overflow parking will only be used for three special events per year.

Both of these concessions can be found in the first paragraph on page 7 of the Supplemental Findings (1/4/01).

I will be submitting my legal arguments as to why the hearings officer's decision should be upheld shortly. I look forward to testifying before you and the Board next Tuesday.

Sincerely,



Julie Cleveland

c: D. Tokos
L. Creswick

Julie Cleveland,
27448 NW St Helens Rd #300
Scappoose, OR 97056
(503)543-3206

RECEIVED

01 JAN 29 AM 9:15

MULTNOMAH COUNTY
PLANNING SECTION

January 29, 2001

Multnomah County Commissioners
501 SE Hawthorne Blvd, Ste 600
Portland, OR 97214

RE: Howell Territorial Park - CU Permit Application

There are three main reasons the Hearings Officer decision to deny this application should be upheld:

1) The traffic study provided by Kittelson & Associates did not factor in the impacts that amount of traffic has on all three rural collector roads on Sauvie Island. Kittelson's Traffic Survey was conducted for both north and southbound traffic. The location of the road counter was on NW Sauvie Island Road - south of NW Gillihan Road. South bound traffic would have been counted after the intersection of NW Gillihan and NW Sauvie Island Roads and northbound traffic would have been counted prior to this intersection. Traffic use from NW Gillihan Road, in addition to traffic from NW Sauvie Island Road, and NW Reeder Road, creates a bottleneck during peak hours at the bridge during summer and fall weekends without the occurrence of special events (Exhibit 1).

In Kittelson's 1999 Roadway Traffic Survey, it shows the number of vehicles per hour on a 24 hour clock. It identifies the peak P.M. hour south bound on NW Sauvie Island Rd at 331 vehicles (data collected Saturday, 10/30/99). Data was only collected on NW Sauvie Island Road for north bound and south bound traffic from 10/29/99 - 11/1/99. The roadway survey was conducted with pneumatic road counters that count each axle of a vehicle.

Although the data on the number of vehicles during peak hours and daily use is accurate, Kittelson failed to report what the movement of the traffic was during those peak hours. Eyewitnesses recall traffic was at a near standstill with the average wait time of one hour to travel two miles on NW Sauvie Island Road or NW Gillihan Road to cross the bridge. This is a common occurrence on the Island that is not precipitated by special events. During summer and fall weekends, traffic feeds onto the bridge from all three rural collector roads. During peak hours this creates a bottleneck at the bridge. This bottleneck occurred during the peak hours of the Kittelson Roadway Traffic Survey. Multnomah County Sheriff's Department had deputy reservist on US HWY 30 to direct traffic in an effort to ease congestion. A deputy reservist was on duty during the peak hours cited in the Kittelson survey (Exhibit 2).

An element in the SI/MC RAP specifically addresses the bridge. It states the bridge is a narrow two-lane facility with no capacity for major increases in traffic over existing levels. It is well documented in the county that the bridge does not meet seismic codes and it dilapidated. Weight restrictions and reduced speed limits have been added to the bridge in an effort to slow the deterioration. Multnomah County does not have the \$22 million needed to replace the bridge or the \$19 million needed to adequately repair the bridge. The bridge serves as the only road access on and off the Island. It is used daily by Island residents, businesses, and hundreds of commuters who work on the Island, not to mention the ever increasing visitor population. Because of the increase traffic use projected with this application, and because the applicant failed to provide an adequate traffic study that accurately reflects the traffic flow from the park to US HWY 30, Metro fails to meet Goal 12, Policy 34 of the Comprehensive Framework Plan, and MCC 11.15.7120 (A)(4) and (6) and its application should be denied.

2) Metro agrees that ORS 215.283 (2)(d) applies to its application but it misinterprets this statute. This statute was not addressed by Metro in its application. The statute was revised and adopted in the 1999 legislature. The statute states the following are acceptable conditional uses on EFU lands:

Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120.

Metro has interpreted this statute as providing two options: i) That the park be operated primarily by and for residents of the local

rural community; or 2) The park be established with the provisions of ORS 195.120.

I believe it was the intent of the legislature to allow parks, playgrounds, or community centers owned by a governmental agency like Metro, as long as the facility was operated primarily by and for residents of the local rural community AND the public park is consistent with the provisions of ORS 195.120. I believe the intent of this statute is to protect high-valued farm lands from becoming tourist destinations. The amended statute reduces the negative impacts increased tourism has on farm uses and practices on high valued farm lands.

Metro has argued in its Supplemental Findings of 1/4/01, that the intent of this amendment was suppose to only apply to community centers. I am arguing that Metro's assumption is correct as it applies to ORS 215.213 (2)(e). This statute describes the following as acceptable conditional uses on EFU lands that are marginal farm lands:

Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). A public park or campground may be established as provided under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance

ORS 215.283 (2)(d) is written specifically for EFU lands that are not marginal farm lands but high value farm lands and Sauvie Island's EFU land are all classified as high-value farm lands. This is the statute that applies to this application. Metro has stated in its grant application to Oregon State Parks that its objective for Howell Territorial Park is to "...develop this underutilized park facility into a prominent regional recreation destination." (Exhibit 3) This directly conflicts with ORS 215.283 (2)(d) and 11.15.7120(3)(a & b). The application should be denied.

3) ARCHAEOLOGY

Metro has stated in its park master plan and application that an archaeology survey will be conducted prior to any development activities. This is a study beyond the inconclusive 1993 study that was cited in the master plan. Metro has sought and received grant funding from Oregon State Parks to fully develop the site to the extent described in its application for Phase 1. But Metro has not done the in depth archaeology study it is required to do according to its master plan. Metro must comply with its master plan. An archaeology survey should have been conducted prior to seeking grant funding and submitting this application because the results of the survey could dramatically alter or impede the size and scope of the proposed development.

Sauvie Island has a well-known history for being the location of 15 native villages, and a hunting and gathering spot for many nomadic tribes. It is also well documented that many of the Indian village sites have a farm house or barn built in the center of them because when the Island was first settled, the old village sites were relatively clear, required very little preparation for building, and were in the most convenient places(1). Howell Park has a documented Indian Village less than 100 feet from its boundary (Exhibit 4).

Metro has failed to meet Comprehensive Framework Policy 16-J. This criteria should have been a part of the approval criteria for this application since the applicant stated in its application that it would conduct an archeological survey prior to development activities.

OTHER ARGUMENTS FOR DENIAL

The following information covers Metro's deficiencies in meeting several goals and county codes beyond my three main arguments. In this section, I also focused on the elements of Metro's application and amendments that have resulted in the application failing to provide adequate parking for its proposed level of development.

(1) Stone Age on the Columbia River, Emory Strong, Binfords & Mort, Publishers, 1959

STATEWIDE PLANNING GOALS

Metro's application for a CU permit at Howell Territorial Park should be denied because Metro failed to meet the following statewide planning goals:

- 1) Goal 1 states: *"The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues."* Metro failed to meet this goal on several levels.
 - A) Metro failed to provide information on future park uses in adequate detail to provide citizens who attended the public meetings the facts necessary to identify and comprehend the issues. The Howell Park Master Plan includes meeting notes from the Public Action Committee. In the December, 5, 1995 meeting notes state: *"The historic farm area will have some features that weren't shown in detail at the public meeting. Ideas from the PAC members such as the arbor, shelter, restrooms and additional wedding facilities will be incorporated into the master plan."*
 - B) The press release published in the Sauvie Island Outlook failed to give adequate detail to the future developments of the park. Instead it gives the impression that area residents have direct input in park developments. The press release states, *"...opportunities will be explored to direct visitors towards the park for educational and recreational purposes without compromising the park's pastoral qualities and in a way that supports the local resident's desires and needs."*
 - C) Metro failed to adequately survey local area residents. Out of the 100 visitor surveys collected as a part of the citizen involvement process, only 6 were collected from local area (Island) residents.
 - D) Metro failed to adequately incorporate the suggestions collected from local area residents at the PAC meetings and open houses. Local area residents made frequent requests to Metro not to overdevelop the park. These requests are found in the PAC meeting notes published in the Master Park Plan.
 - E) Metro failed to adequately incorporate into the master plan the data collected from park users from throughout the region. Instead Metro incorporated facility improvements that ranked low in the survey.
 - F) Metro failed to provide adequate information on the Howell Park visitor survey for participants to comprehend the proposed facility improvements. The survey asked, *"What facility or program improvements would you like to see?"* Metro listed Outdoor Picnic Shelters when the intent was actually to add Large Group Picnic Shelter Rentals as a facility improvement.
 - G) Metro failed to adequately post the property with public hearing notice signs. The property is on a corner lot. The frontage road that is also listed in the property address (Howell Park Road) had no signs posted. All signs were posted on the other frontage road (Sauvie Island Road.) Both roads should have been posted with two signs on Sauvie Island Rd and two signs on Howell Park Rd. As posted by Metro, the signs were visible but because they were posted on a narrow road with no shoulder, it was impossible for interested parties to stop and read the signs. If signs had been added to Howell Park Rd, they too would have been visible from the higher traffic road (Sauvie Island Rd) but it would have provided an opportunity for interested parties to turn down Howell Park Road, safely park on its wide shoulder and read the public meeting notice.

Metro's application should be denied. It fails to meet the citizen involvement criteria of Goal 1 or Comprehensive Framework Policy 3.

- 2) Goal 2: Metro fails to meet this goal by not complying with all of the applicable policies of the comprehensive framework plan and the local rural area plan, and MCC 11.15.7120(A)(7) (see below).

- 3) Goal 5: Metro failed to meet this goal by failing to meet Comprehensive Framework Policy 16-E, G and J and MCC 11.15.7120(2).

- 4) Goal 8:

Metro received a grant from Oregon State Parks to develop the site to the extent submitted in its original application for the first phase of development. Metro has testified to the Board and Island residents that it intends to make modest changes to the park and has assured Island residents that it will not promote or publicize the park to keep the level of visitor use below 300 persons per day. In its application for funding, Metro states: **"The requested State Parks Grant funding will allow Metro to complete the necessary improvements at Howell, to develop this underutilized park facility into a prominent regional recreation destination."** This intent is in complete opposition to what Metro portrayed to the Board and to the local rural area community. The creation of a prominent regional recreation destination for the Portland Metropolitan area on rural Sauvie Island will have significant impacts on Island resources that are already beyond their carrying capacity.

- 5) Goal 11 states: *"Public facilities and services for rural areas should be provided at levels appropriate for rural uses only and*

should not support urban uses."

Metro has failed to adequately project future visitor use statistics and analyze the impacts of increase visitor use over time will have on traffic, fire & rescue, and farming uses and practices. The application routinely refers to the Howell Territorial Park Master Plan. The information for this plan was collected in 1995, the plan was approved by Metro Council in 1997, and an application for a CU permit was done in 2000. The Present Day Statistics listed in the master plan grossly underestimates the number of annual visitors to the Island, as well the number of Island residents and households. Statistics gathered by the county in 1997 and published in the Sauvie Island/Multnomah Channel Rural Area Plan (SI/MC RAP) has the most current data collected. It shows 1.5 million visitors a year to the Island compared to the 800,000 annual visitors listed in Metro's master plan. The SI/MC RAP also shows 1300 Island residents compared to 850 cited by Metro. Finally, the SI/MC RAP identified 650 households compared to the 380 in Metro's statistics. The SI/MC RAP also identifies the residential growth potential for the Island. It states there is room for 69 additional homes on the Island.

The SI/MC RAP which must be used by the county as a guide to land use planning decisions on the Island, identifies the Sauvie Island Fire District as having strained resources because of the ever growing visitor population in addition to the fire and emergency medical services it provides Island residents. Metro's own master Plan for the park reports visitor use sometimes exceeds the resources of the fire district: *"More recently, urban residents flock to the Island seeking its sandy beaches, spectacular wildlife viewing, pastoral settings and produce markets. Unfortunately, some of these visitors create problems which include traffic, crime, trespassing, littering and emergency response needs which in some cases exceed the capabilities of the Island's resources."*

The purpose of this goal is to ensure rural services remain at rural levels. This application does not meet this goal because of the escalating visitor use population that is already exceeding its carrying capacity, creating a strain on fire and rescue resources. Kittelson & Associates traffic report and the Hearings Officer report shows that Sauvie Island Road is already 1700 vehicle trips per day over its maximum carrying capacity. Kittelson projects an annual increase of .8 percent on Sauvie Island Road from the proposed development. In a December 6, 1999 memo, Kittelson projects the increase vehicle use to be 20,000 vehicles per year, with an average growth rate of 0.03 a year. Using Kittelson projections of 2.5 to 3.0 persons per car, this translates to 25,000 to 30,000 persons annual visiting Howell Territorial Park. By the fifth year of operation, visitor projections would be 28,138 - 33,767. And by the tenth year of operation, visitor use would be at 32,620 - 39,144. This is a significantly different projection from Metro's revised visitor use projections presented on January 17, 2001, to Island residents and others from the rural area community. At that meeting Metro projected an annual visitor use of 19,000 for the park. But this low figure does not correspond with the traffic data supplied by Metro in its application and Supplemental Findings of January 4, 2001. This application fails to meet this goal and Comprehensive Framework Policy 37, and MCC 11.15.7120(4).

- 6) Goal 12 states: *Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

As previously stated, Metro's application will increase traffic use on a rural road that is already significantly beyond its intended use per day. The TMP provided by Metro does not meet Goal 12's intent of not exceeding the carrying capacity of land resources. The TMP is not just for ingress and egress to Howell Park. Its stated objective is to facilitate the safe and efficient operation of the overflow parking area, and to safely direct traffic between the overflow parking area and US Highway 30 during special events anticipating 300 or more participants. This applicant failed to meet this goal or the criteria for Comprehensive Framework Policy 34, and MCC 11.15.7120(2)(a & b) & (3) & (4) & (6).

SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN

Metro's application for CU permit at Howell Territorial Park should be denied because Metro failed to implement key elements of the Sauvie Island/Multnomah Channel Rural Area Plan (SI/MC RAP). This plan was approved in 1997 as a planning *"guide to decision making with regard to land use, capital improvements, and physical development (or lack thereof) of the community. It is to be used by the County, other governmental agencies, developers and residents of the area."*

The plan states: *"This plan represents a commitment on the part of Multnomah County to see that the plan elements are carried out and implemented to the best of the County's financial and enforcement capabilities. It also represents a commitment on the part of the Sauvie Island/Multnomah Channel Rural Area community to support the accomplishment of the identified policies contained within this plan. The elements of this plan reflect future trends and policies for the Sauvie Island/Multnomah Channel Rural Area during the next 15 to 20 years."*

Elements of the plan are incorporated into the text body on the plan. There are several elements that relate specifically to traffic, impacts on farming practices, and fire and rescue. These elements must be considered in weighing Metro's application. The following

elements are quoted from the plan:

1) **EXCLUSIVE FARM USE DISTRICT** - **"It should be noted that full protection of Sauvie Island agricultural lands will impact discussion not only of land use issues, but also of recreation and transportation issues, since increased use of the island by visitors has impacts on agricultural practices.** One way of combining agriculture and recreation on the island occurs with the farm stands and U-pick farms on the island, which draw numerous visitors."

2) **RECREATION - HOWELL PARK**

"Howell Park, located on the east side of Sauvie Island Road north of the Sauvie Island bridge, consists of approximately 93 acres. The Metro Council adopted a park master plan in April, 1997. It contains the Bybee-Howell House, a historic structure built in 1856. The site also contains Howell Lake, a significant wetland. The park is owned and managed by Metro Parks and Green spaces. Metro is currently preparing a master plan for the park. Any changes to the park require land use approval from Multnomah County. The preliminary goals of the master plan are 1) increased facilities and use of the house as the focus of historical and archaeological information about Native American life and early Oregon events, and 2) increased use of the lake and wetland areas for wildlife viewing and educational activities. **The current Exclusive Farm Use zoning on the park limits new park uses**".

3) **RECREATION - OTHER RECREATIONAL ACTIVITIES**

"There are commercial activities on Sauvie Island which are primarily focused on attracting visitors to the island. These include the Pumpkin Patch and other produce stands and u-pick farms.

As discussed under transportation, numerous bicyclists use the island's roads for recreational cycling. **Conflicts between recreational bicyclists and automobile traffic, both residents and visitors, has been a major Sauvie Island issue for some time.**"

4) **TRANSPORTATION** - "Three roadways on Sauvie Island are classified in Policy 34 as Rural Collector roadways. They are Gillihan Rd, Reeder Rd and Sauvie Island Rd. Rural Collector roads distribute traffic over large areas and generally connect to urban streets or rural arterial. They also provide for necessary truck transport (agriculture, timber or minerals) out of rural areas. All other roads in the Sauvie Island/Multnomah Channel Rural Area are Rural Local roads. Local roads provide access to abutting land uses and are generally low traffic volume and low speed facilities. **All road access to Sauvie Island runs across the Sauvie Island bridge, which crosses Multnomah Channel near the south end of the island. It is a narrow two-lane facility with no capacity for major increases in traffic over existing levels.**"

5) **FIRE PROTECTION & EMERGENCY SERVICES** - "The District's fire and emergency response force serve not only Sauvie Island residents, but also the 1.5 million visitors per year who visit Sauvie Island. **This puts an additional strain on the District's resources above that put upon most rural fire protection forces.**"

COMPREHENSIVE FRAMEWORK PLAN

Metro's application for a CU permit at Howell Territorial Park should be denied because Metro failed to meet MCC 11.15.7120(4) & (6) & (7) with the following Comprehensive Framework Policies:

1) **POLICY 13: AIR, WATER & NOISE QUALITY** - The Hearings Officer stated that Sauvie Island Road is intended to serve 1000-4000 vehicle trips per day but current use is at 5700 vehicle trips per day. Kittelson & Assoc. projected a .8% increase annually in vehicle trips with the approval of this application. Kittelson also projected 2.5 to 3.0 persons per car coming to Howell Park. This translates to an additional 20,000 vehicle trips a year on a road that is already beyond its carrying capacity. Metro asks the board in its Supplemental Findings of January 4, 2001 to ignore the Hearings Officer's findings on this policy and find compliance with MCC 11.15.2026. This code is about access and is unrelated to this policy. (**11.15.2026 Access** Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.) What is relevant is the Hearings Officer's findings that approval of this application will make an bad traffic situation worse.

2) **POLICY 14: DEVELOPMENTAL LIMITATIONS** - The Hearings Officer's findings that Metro failed to establish the parking areas do not have a seasonal water table within 0-24 inches of the surface for three or more weeks of the year, a fragipan less than 30 inches from the surface or that the land is not located within the 100-year flood plain. The fields Metro intends to use for overflow parking are in the 100-year flood plain according to the county overlay. The historic house is not in the flood plain.

According to the SI/MC RAP, the significant wetlands in the park are found to be significant as open space, fish and wildlife habitat, natural areas, water areas, wetlands, and groundwater resources. In Metro's Supplemental Findings (1/4/01), it is states that "The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200

feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year." However, the Conditions of Approval for the application written on December 27, 2000, states: 5. Vehicular access to overflow parking areas is to be gated or otherwise restricted when not in use, and is prohibited during the wet season between November 1 and May 1 of a given year (MCC 11.15.7120(A)(2). According to Derrick Tokos, planner for the county, it is Metro's intent to use the field for overflow parking at times other than special events and this Condition of Approval only limits the use of the fields during the dry season - not the amount of use during that season. In the original application, the parking plan had vehicle parking 50 feet away from the wetland that abuts the north field.

If Metro stands by its Supplemental Findings (1/4/01), then they cannot supply adequate parking for 500 cars during special events. By restricting overflow parking to be no closer than 200 feet from a wetlands, Metro has eliminated nearly two thirds of its 147 parking spaces in the north field.

Metro has also clearly stated its intent to use the fields for overflow parking ONLY during special events. This was also stated in the Hearings Officer's report.

By taking this action, Metro does not have adequate parking facilities for the proposed development. The 27 car two bus parking lot will not adequately serve the proposed group picnic shelter rentals or wedding rentals of the property. Using Kittelson projections of 2.5-3.0 persons per car, and Metro's projections of 240 maximum capacity of the picnic shelters, this means that parking must be provided for 96 vehicles if the shelters were all rented. If just the large shelter were rented to capacity of 140 persons, parking for 56 cars would be required. This would most likely result in people parking cars along the shoulder of Howell Park Road which will significantly impact neighboring farm practices in using the road for farm related uses and could impact the ingress and egress of fire & rescue vehicles. If the county's condition of approval is implemented, overflow parking in the fields will be a common occurrence six months out of the year. This fails to meet MCC 11.15.7120(2) & (6) and will have significant impacts on soil compaction and drainage near an area identified as being a significant groundwater resource.

In Kittelson's Traffic Management Plan (TMP) of December 18, 2000, they describe that the north field closest to the house (and wetlands) as the overflow parking area. Kittelson also states that the use of the overflow parking area is expected to be minimal and would only be functional during relatively dry weather conditions. This TMP describes only using the north field for overflow parking. This conflicts with Metro's parking and loading plan submitted in the application. It also conflicts with Metro's Supplemental Findings (1/2/01) which restricts overflow parking in this field to 200 feet from the wetlands and reduces the number of parking spaces available.

3) POLICY 16: NATURAL RESOURCES - Metro failed to address Policy 16-J in its application. This is required since a component of Metro's park master plan and application states: "Conduct an archeology survey prior to development activities." Page 19 of the master plan discussed an archeological survey done by the Oregon Archeological Society in association with Portland State University during the summer of 1993. The scope of this survey was to locate historic structures. It also states that no archaeological survey has been conducted at Howell Park for Native American artifacts.

Metro is bound by its master plan and application to do an archeology survey of the site for Native American artifacts. From a management point of view, this should have occurred prior to Metro obtaining grant funding or submittal of a CU application since the results of the survey could significantly alter the size and scope of the proposed development.

POLICY 16-J: Cultural Areas

It is the County's policy to protect cultural areas and archeological resources, and to prevent conflicting uses from disrupting the scientific value of known sites.

Strategies

A. Maintain information on file regarding the location of known archeological sites. Although not made available to the general public, this information will be used to insure the sites are not degraded through incompatible land use actions.

B. Coordinate with the State Archaeologist in the State Historic Preservation Office regarding the identification and recognition of significant archeological resources.

- C. Encourage landowners to notify state authorities upon discovering artifacts or other evidence of past cultures on their property.
- D. Work with the LCDC Archeological Committee in devising equitable and effective methods of identifying and protecting archeological resources.

Policy 16-E: Natural Areas and Policy 16-G: Water Resources and Wetlands - In its Supplemental Findings of January 4, 2001, Metro states: "The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year." However, if the County planner, Derrick Tokos assumption is correct, and Metro actually intends to use the fields for overflow parking at times in the dry season other than special events, then there is a risk of impacting the wetlands and groundwater resources from contaminants and runoff from compacted soils. The application does not meet MCC11.15.7120(2).

4) **POLICY 34: TRAFFICWAYS** - The purpose of this Policy is to direct the County to develop the existing trafficway system to maximize efficiency, and to consider the mobility of pedestrians by providing safe crossings. The Hearings Officer arguments for denial stated for Policy 13 also apply here. This Policy should have been included in the application because it directly relates to the Kittelson Traffic Study and the TMP and evidence from the County's Public Works Division came from the criteria listed in this policy.

Sauvie Island has three Rural Collector Roads identified: NW Sauvie Island Road, NW Reeder Road, and NW Gillihan Road. The Kittelson Traffic study shows traffic volumes of 5700 per day on NW Sauvie Island Road. Traffic at this level creates a bottleneck at the bridge as vehicles try to enter US HWY 30. This creates a backup of traffic that extends two miles down NW Gillihan Road and one mile down NW Sauvie Island Road and one mile down NW Reeder Road. Kittelson states that the .8 increase into this traffic volume will not have a significant impact or create a hazardous situation. But the traffic volume already exceeds the carrying capacity of the roadway and results in the hazardous condition with cars attempting to enter the intersections that connect the three Rural Collector Roads. Hazardous conditions are also present at this time from traffic attempting to enter the Rural Collector Roads from the other rural roadways on Sauvie Island (including Howell Park Road) and private driveways. Traffic volumes at this level also create a hazardous condition because it reduces the response time in the Fire District.

This existing traffic volumes identified by Kittelson already has a significant impact on truck transport of agricultural goods from the Island which significantly affects farming practices. This application must be denied because it increases traffic volume that is already beyond its carrying capacity and affecting how farmers do business and adds to existing hazardous road conditions. Metro failed to meet the criteria for this policy or MCC 11.15.7120(4) & (6).

This policy defines the following:

Rural Collector Roads

Rural collector roads are well connected in rural communities to distribute automobile traffic over large areas and generally connect to urban streets or rural arterials. Where rural collector streets connect roads in adjacent counties, through traffic will occur with volumes greater than local rural roads. They may also provide for recreational trips by auto, bicycle and equestrian. Primary access is provided to land uses adjacent to the facility and over large rural districts. Rural collector roads provide for necessary truck transport of (agricultural, timber and minerals) out of rural districts.

Traffic Volume Guidelines

This policy defines the maximum traffic volumes for Rural Collector Roads. The chart in this policy shows a minimum traffic volume of 1000 vehicle trips per day and a maximum for 4000 vehicle trips per day for Rural Collector Roads

5) **POLICY 37: UTILITIES** - This policy addresses drainage issues. Metro fails to meet Policy 37 (E) & (F) & (G). If Metro retracts its concession of only using the overflow parking areas during special events and not allowing overflow parking with 200 feet of the wetlands, then the overflow parking has the potential of being used 6 months out of the year. It will be used for group picnics and wedding rentals of the facility plus the three special events. Metro has stated at meetings with the rural area community that it projects an annual attendance of 19,000 visitors. But this number conflicts with the traffic volume projections provided by Kittelson that have been previously stated in this report.

Use of the overflow parking area during times other than special events will increase the compaction of the soil which will affect the drainage. This will increase the chance of contaminants and sediment entering the wetlands. The Applicant also fails to meet the criteria for MCC 11.15.7120(2).

Policy 37 states:

Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and
- G. 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.

5) POLICY 38: FACILITIES - Metro is asking the Board to ignore the position of the local fire and rescue service provider. The Sauvie Island Volunteer Fire Department has stated it will not be able to handle the increase visitor use this application brings to the Island. The Department based this decision not on the volume of runs Metro has projected would be at the park, but because of the increase traffic volumes that this application generates on the roadways.

As previously stated, traffic volumes reported by Kittelson already create hazardous road conditions and reduces response time of the Fire Department when traffic is at a stand still. For the Board to agree with Metro and approve this application without the approval of the Fire District would be inconsistent with the land use laws that all private landowners are held accountable to. Metro's application does not meet this policy and should be denied. This application fails to meet the criteria for this policy and for MCC 11/15/7120(4) & (6).

CONCLUSION

I request that the Board uphold the Hearings Officer decision and deny the Conditional Use application for Howell Territorial Park. I urge the Board to make a decision on this matter on January 30, 2001. Metro has had plenty of opportunity to comply with the Board's request to work with the county AND Island residents to reach a compromise. After an examination of the application, supplemental findings, and traffic study, I conclude that the application cannot be granted in its current form and proposed level of development. It is unfortunate that Metro sought and received grant funding for a development when it did not have the proper zoning permits or design review in place and had not complied with the master plan and done an archeology study to determine if the proposed level of development was feasible. But Metro's management decisions and the repercussions it will feel if this application is denied, cannot play a factor in the Board's decision. Metro's standing as a regional government agency does not grant it leniency in how the land use laws are applied. The laws must be applied the same way whether the applicant is a private landowners or a regional government. I am confident the Board will base its decision on the legal merits of this case.

Sincerely,



Julie Cleveland
B.S. Resource Recreation Management,
Environmental Interpretation
Oregon State University

c: D. Tokos
L. Creswick

7. SOURCE OF FUNDING - Provide information about the sources of funding for local match. How firm is your local match - have the matching funds been committed to this project by your council, board or commission? Describe whether or not funds have been included in current parks budget and whether or not they are available immediately. Describe any in-kind donations (volunteer labor, donated materials, etc) for this project. What other local commitments, partnerships, use of inmate labor, etc. and support is there? Is the local match available at the time of application? Describe agency's ability to meet long-term maintenance costs for the project. (See also #8 Source of Funding Worksheet)

Provide information about the sources of funding for local match. Is the local match available at the time of application?

The primary source of funding for this project comes from metropolitan area voters through passage of the 1995 Metro Open Spaces, Parks and Streams bond measure. Public support for this measure was due in part to the dedicated funds for local park projects - such as the improvements identified at Howell Territorial Park.

The Oregon Historical Society secured a \$25,000 grant through the Lewis and Clark Trail Coalition in 1997 to help build the covered shelter that is part of planned park improvements. This shelter will house interpretive panels featuring aspects of Lewis and Clarks' historical journey through Oregon.

The requested State Parks Grant funding will allow Metro to complete the necessary improvements at Howell, to develop this underutilized park facility into a prominent regional recreation destination.

Describe any in-kind donations for this project. What other local commitments, partnerships, use of inmate labor, etc. and support is there?

A major project partner at Howell Territorial Park is the Oregon Historical Society. Currently both Metro and OHS contribute to the annual operations and maintenance of the park. OHS volunteers provide historical interpretive programs at the Bybee-Howell House and agricultural museum each summer and Metro is responsible for the care and upkeep of the park grounds and buildings. In 1997 a Master Plan for Howell Territorial Park was completed with funding from both Metro and OHS. The master plan identified needed improvements to the site to protect the historical, cultural and natural resources and to develop visitor amenities that would make the park accessible to year-round visitors.

The Bricklayers Apprentice Program has agreed to assist Metro Parks and Greenspaces with stonework on the picnic shelters at Howell Territorial Park. Metro has successfully used in-kind contributions of trade apprentice programs to implement a variety of capital improvement projects at our facilities ranging from the Oregon Convention Center to Blue Lake Park. These partnerships provide the apprentices valuable work experience and saves Metro significant labor costs.

Inmate labor will be utilized for blackberry removal to prepare the site for construction. Open Meadow Learning Center will utilize this site as an outdoor classroom while also providing design, planting, monitoring and maintenance services to this project. Friends of Trees will supervise and assist in the planting efforts as well as ongoing stewardship activities at the park.

How firm is your local match - have the matching funds been committed to this project by your council, board or commission?

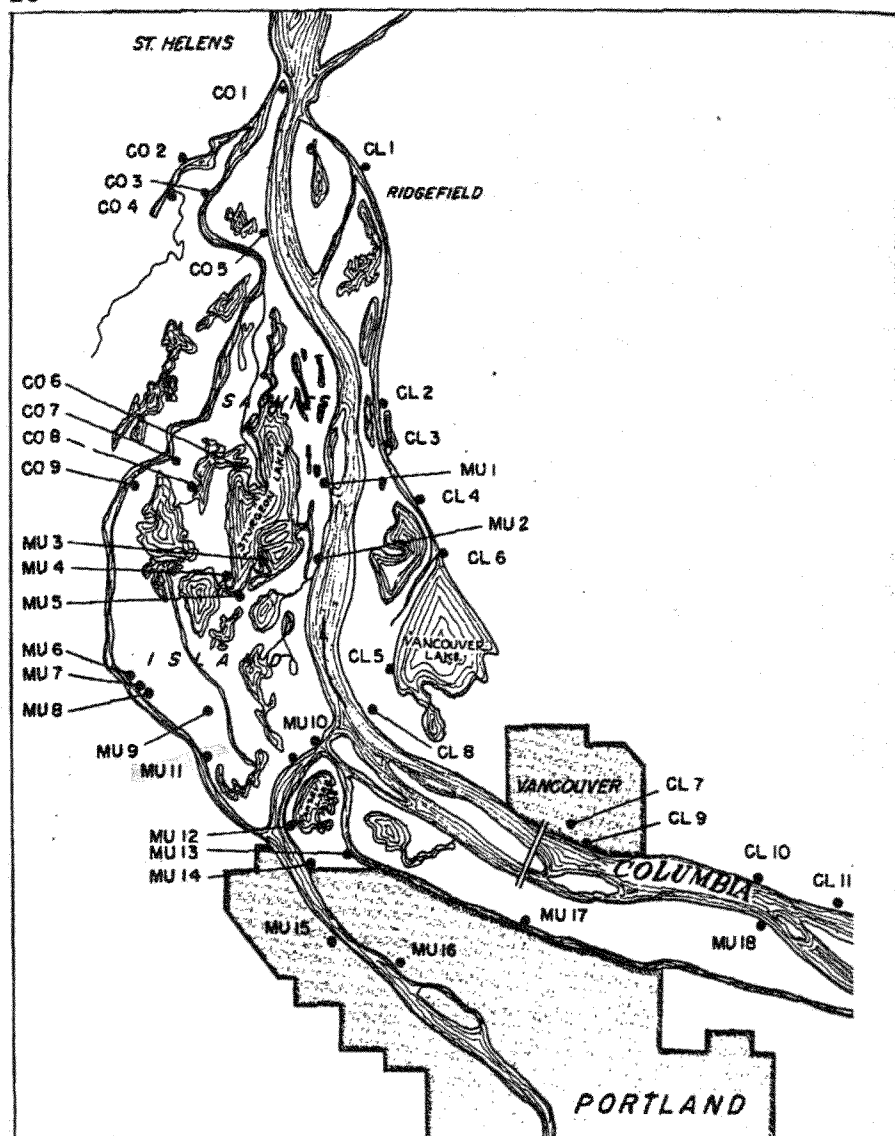
Metro matching funds for improvements at Howell Territorial Park have been committed by the Metro Council in the adopted 2000-2005 Capital Improvement Plan and adopted FY 1999-00 budget.

Describe whether or not funds have been included in current parks budget and whether or not they are available immediately.

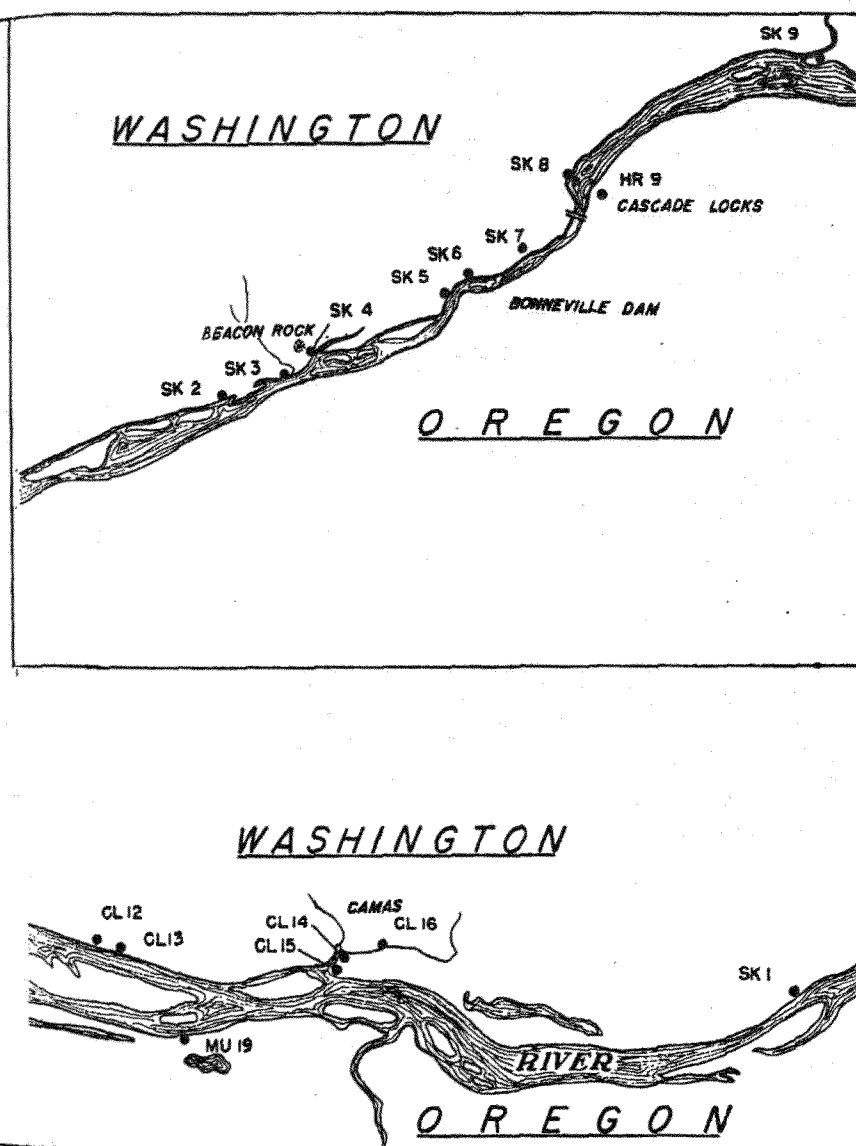
Funds are currently available and authorized for expenditure by the department.

Describe agency's ability to meet long-term maintenance costs for the project.

Funding for maintenance of these new facilities at Howell Territorial Park has been included in the budget for FY 2000-2001. Revenues generated from picnic shelter rentals and entrance fees collected at the park will assist with long-term maintenance costs associated with increased use of the park facility.



STONE AGE CAMP SITES



ALONG THE COLUMBIA RIVER

EXHIBIT 4

The above map shows 15 Indian villages and three other significant sites on Sauvie Island. The village identified as MU11 is located less than 100 feet from Howell Territorial Park.

SOURCE:

Stone Age on the Columbia
by Emory Strong
Binfords & Mort, Publishers
1959

Community News

EXHIBIT 1

Grange elects new Master

by Gaior Riker

The Sauvie Island Grange met on Monday October 11. The main topic of discussion was a motion to increase our dues by \$5.00 annually. There was some feeling that our dues should be higher than those of the State and National Granges in order to ensure our continued viability, but he vote passed on a smaller increase, with talk of another \$5.00 increase \$25.00 per member per year. This is a great value for the wonderful benefits of membership, which include insurance savings, credit union membership, discounted Grange hall rental fees, as well as meeting your neighbors in the community.

Jean Fears brought up the traffic problem faced by islanders and visitors during the "pumpkin season." She reported that she had contacted the Multnomah County Sheriff's Office. They offered to send a deputy out to the October 12 meeting of the

Safety Action Team to hear suggestions for easing this problem. Thanks Jean! Your quick action and support of fellow Grangers at these meetings really helped.

At our October meeting we also held the election of Officers for the year 2000. Our current Master, Lynn Trupp, who has seen the Grange through the stressful and busy period of building a new hall, decided to experience temporary retirement from this office. He was given a round of applause and thanked for all his hard work and generous expertise and time. Jim Vann was elected as the new Master. He not only brings prior experience to the job, but a ready smile and welcoming manner to each person. Congratulations Jim! The new officers will be installed at our November 8 meeting. The St. Johns Community Grange and the Skyline Grange will be joining us for these lively proceedings.




The sunny warm weather brought record visitors to the Island markets. These two pictures were taken Sunday, October 17, around 5pm. Islanders reported that traffic did not clear up until after 8 pm that evening. The average wait time from the Pumpkin Patch on Gillilhan to Hwy 30 was one hour.



Sauvie Island logo shirts, sweatshirts, totes, hats, and mugs are now available for purchase at Sauvie Island School.

Stop by during school hours and check out the fantastic selection and prices.

Proceeds go to the Sauvie Island Parent Teacher Club for student enrichment programs.



Bender's Noble Tree Farm
 19757 N.W. Sauvie Island Road
 Portland, Oregon 97234-1316
 (503) 621-3607

Christmas Trees - Nobles and Brands
 Tree Stands - Wreaths - Holly - Mistletoe - Preservatives
 Open Friday, Nov. 26 - Dec. 23 - Daylight to Dusk
 We have carts to haul out your tree and we can wrap your tree.



Community Meeting Reports

Sauvie Island Safety Action Team

by Jean Fears

On Tuesday, October 12, the Safety Action Team had their regular monthly meeting at the new Fire Station. Chief Don Posvar invited us to look over the station and we decided to stay at the station for our meeting. Fire Board Chairman Terry Hoffart, informed us that there was much more work to be done on the inside of the station and landscaping. However, the station is a great place for our volunteer firefighters to better serve the community. Why not try to look it over sometime!

Traffic

The chief concern of the Safety Action Team was the heavy traffic during the month of October. Don Posvar reported that they had faxed the Sheriff's office and Multnomah County Commissioner Diane Linn after the first weekend concerning getting someone to direct the traffic at the bridge light. Jean Fears, also had contacted the Commissioner but both calls went unanswered. The main concern is answering emergency calls when the traffic is so heavy. Chief Don Posvar reported they had been very busy the first weekend of October with a fire and medical calls. They were grateful that the calls were not during the peak of the weekend traffic problem.

Deputy Curt Hanson had heard our concerns about the length of time Islanders were allowed at the traffic signal at our September meeting. He reacted the very next week and had the light adjusted to allow

six cars through the light before it changes back to red. If this action had not been taken before October, conditions would have been much worse.

Also attending the meeting concerned about traffic was Mary Anne Wolfe and Bob and Yvonne Cieloha. Bob thanked the fire fighters when they answered their call for help.

Sergeant Brent Ritchie advised that reserves would be covering the bridge up until Halloween. It was good to have Brent with us as he was our deputy before he became Sergeant and is now in charge of traffic from 2pm to midnight for the county. He plans to attend our meetings from now on.

Deputies

Deputy Johnny Ahn reported that he tried to regulate the signal Sunday, October 10, starting at about 3:45 but would start earlier following weekend. Johnny is on duty from 3pm to 11pm and his pager number is 939-2591. He is off on Wednesdays and Thursdays. Our deputy on day shift from 8am to 3pm is Mike Heffernan and his pager number is 920-5572. Just dial the number when you want to call them - we are then asked to put in our number and hang up and they call back promptly. Mike is also off on Wednesday and Thursday. These deputies have 200 miles to patrol of which Sauvie Island is a part. They make an effort to patrol the area and be seen as much as possible. Sen. Speroff from the hill, which is also a part of

our deputies 200 mile area, reported there had been a rash of residential burglaries.

Hunting

Columbia County Deputy Larry Weaver, reported that the fee pheasant hunt went well and the waterfowl season is now open from October 1 to April 15 and all ODFW land is closed to the general public. The goose season lasts until January 23 and the geese population is at an all time high.

Signs

George Douglas and Norm Sharp of the Sauvie Island Boosters, reported that the Boosters are in the process of making maps for each fire engine and for the station for them to use when on call.

Bob Moar of the volunteer firefighters, stated that they were in need of everyone obtaining the green address numbers for each home to make it easier to locate people when on a run. They would like to have two signs, one for each direction. Please contact Bob if you do not have them - it could mean your life.

Next meeting

Our next meeting will be on November 9 at 7pm. It will be held at our regular meeting place at the ODFW Sauvie Island Headquarters on Sauvie Island Road. Try to attend and give us your input. ☺

Sauvie Island Crime Report

by Paula Gadotti

8/21 - Theft from vehicle. Wapato State Park. Suspect broke out window to gain entry. The victims purse was stolen. An attempt was made to cash a check at Albertsons. The suspect also attempted to withdraw cash from an ATM. The suspect was able to make a charge using the victim's credit card.

8/24 - Theft from vehicle. Boat ramp. Entry was made by forcing the door lock. Taken were a backpack, clothing, credit cards and \$40 in cash.

9/02 - Theft from vehicle. Reeder Road and County line. no sign of forced entry. Missing is a wallet containing checkbook, driver's license, military I.D., credit card, eyeglasses and \$350.

9/28 - Burglary. Sauvie Island Rd. A pry tool was used to break into a shed. The suspect then pried open the office door and stole cash and a cell phone.

S.I. American Legion & Auxiliary

by Francis Scofield

Post #154 Legionnaires & Auxiliary members met at First Baptist Church in St. Johns, on Monday evening October 18.

A pot luck dinner was enjoyed by those who attended including, Betty Roberts, District #7 President, and Marty Brower, District #7 Commander.

A Certificate of Achievement for the activities accomplished during the 1998-1999 year was presented to our Post.

Ervin Douglas, a longtime member of Post #154, died August 2, 1999, and a memorial was held August 7 at the St. Johns Funeral Home. He was Department Commander in 1970. Mr. Douglas is survived by his wife Grace, an Auxiliary member. He will be missed by family and his many friends.

The Legionnaires thank everyone who contributed papers and cardboard each week. The proceeds go to help our veterans. ☺

Meeting Notices

- ☺ S.I. American Legion - November 15th in St. Johns
- ☺ S.I. Drainage Company - November 16th 7:30
- ☺ S.I. Grange - November 8th 7:30pm
- ☺ S.I. Fire Board - November 1st 7:30pm
- ☺ S.I. School PTC - November 16th 6:30pm Potluck 6:00pm
- ☺ S.I. School Site Council - November 16th 6:00pm
- ☺ Safety Action Team - November 9th 7:00pm
- ☺ Scappoose School Board - November 15th 7:30pm

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FAX

#3 pages including cover letter

To: Deb Bogstad

Ms. Bogstad,

Please deliver a copy to each commissioner prior to

Tuesday's hearing about Howell Territorial Park. Thank you.

-Elisabeth Neely

Elisabeth Neely
4006 NE 9th Ave.
Portland, OR 97212

January 28, 2001

Dear Multnomah County Commissioners,

I am writing to you to ask you to *approve* Metro Regional Parks and Greenspaces' permit application for Howell Territorial Park. I have been an environmental educator in the Portland area for 10 years. In this time I have led hundreds of people on many, many trips to Sauvie Island, as a volunteer and staff person for several different organizations including the Audubon Society of Portland, Saturday Academy, HawkWatch International, and now Metro. I am writing to you as a citizen who is also an educator. I value Howell Territorial Park as a public natural and historic resource that belongs to *all* the people of our region—not just Island residents. We need to provide places like Howell where Oregonians—no matter when they arrived here-- can learn about the vital link between our environment and our history. Without places to learn about that link, our children will be on the path to losing that history and eventually, our much-touted quality of life.

Howell is a unique place where our region's history and environment can be made accessible to the many people who visit Sauvie Island each year. But to do so, the park needs some basic facilities, as outlined in Metro's Master Plan.

Since Metro is the park provider responsible for Howell, Metro should be allowed to responsibly provide for visitor use, environmental education, and historical interpretation there. The park plan provides basic facilities that are needed at a public park (path, restroom, gravel parking area, sheltered areas, signs to orient visitors). Visitors need a place to park and a way to learn about the history of the site. *Believe me, it is VERY difficult to effectively provide educational programs for groups and schools without these improvements.* Where do you park the bus? Where does Johnny go to the bathroom? Where can Grandma sit down or read a sign to learn about the place? No where, if the state of the park remains as it is now.

As any natural resource manager will tell you, basic facilities can help preserve the unique qualities of places like Howell. Well-planned paths and interpretive signs can actually help preserve natural areas by guiding visitors away from sensitive wildlife areas, preventing damage to the habitat, and encouraging people to use the site appropriately. On the other hand, an abandoned-looking site is more vulnerable to vandalism, party-goers, and inappropriate use than one that is maintained, used, and enjoyed by people.

I was somewhat surprised to hear that some islanders do not like the plan. I have seen how busy the island gets in the summer months. Much as people love the place, it is not very visitor-friendly. There are few places to get out and walk, have a quiet picnic, or to learn about what makes the island unique. And yet, hundreds of thousands of people continue to come and there is no sign that they are planning to stop coming. I do not think that Howell will actually draw a lot of additional newcomers to the island, with the possible exception of school groups eventually (and they obviously aren't going to come in the summer, and prefer the relatively quiet spring season for field trips). Good facilities and interpretation at Howell will benefit Sauvie Island by creating a "gateway," where some of the islands' visitors can stop to learn about the place, its history, and its land use, thereby learning how to act appropriately while visiting.

I think we should trust the process Metro went through, and the land use decision before you. We should stick with it and trust the people who take care of our parks, and not allow a few vocal people to define the debate on their terms. People can talk to Metro if they have specific ideas about how things should be done. That is a lot better way to go about things than throwing the baby out with the bathwater by fighting the permit for the park.

I hope you will take into consideration that overall, people in our region feel very strongly about their public parks. There are many, many users of these parks and the services they provide, such as interpretation and environmental education. Rather than letting a small group of citizens decide on a matter that affects the whole region, I really hope you will do the right thing and allow Howell to be operated as a real park. As an educator, I believe in my heart that as a people, we need to take every opportunity to provide education programs for all our people, so that we do not lose track of that all-important link between our land and our history. To do that, we truly do need some basic facilities. Without them, you can't really serve the people, and then a great opportunity will have been wasted. Please consider our region's future, and approve the permit.

Sincerely,

Elisabeth Neely

Elisabeth Neely

(503) 493-0137



AUDUBON SOCIETY OF PORTLAND

Inspiring people to love and protect nature.

Beverly Stein, Chair
Multnomah County Commission
1220 SW Fifth Avenue
Portland, OR 97204

January 28, 2001

Dear Chair Stein and Commissioners,

I am writing on behalf of the Audubon Society of Portland to support the approval of Metro's Howell Territorial Park Master Plan (April 1997), along with the 13 Conditions of Approval (December 27, 2000) that are being required in Case #CU-0-2, Conditional Use Permit for Howell Territorial Park.

We have long advocated that Metro and other park providers create master plans for their natural area holdings. We have also argued for enhanced interpretive opportunities on Sauvie Island, with Bybee-Howell being a logical focal point for an introduction to the island. Finally, we have also supported reduction of invasive plant species such as Himalayan blackberry and tansy and enhancement of habitat using native species in the vicinity of the two wetland systems at Bybee-Howell. In our opinion the master plan addresses these and other issues.

We have discussed issues of wetland buffers, placement of the proposed parking lot, and other issues with Metro staff and are confident that specifics as to these issues will be worked out in the ensuing design phase of the various elements of the master plan.

Some legitimate concerns have been raised regarding the scale of the proposed picnic shelters and trails. The issue of "carrying capacity" of the site is an important one. We urge Metro to phase development of the shelters to monitor use of the facility to address those concerns and to make changes to the final shelter plans as warranted. Howell Territorial Park should provide, first and foremost, an opportunity to introduce island visitors to the human and natural history of Sauvie Island and the surrounding landscape. We urge Metro to work with islanders and users such as the Audubon Society of Portland in monitoring use of the site to ensure the ecological, historical and scenic integrity of this regionally significant resource are retained.

Respectfully,

Mike Houck,
Urban Naturalist

Cc: Derrick I. Tokos, Land Use Planning Division

William K. Kabeiseman
wkabeise@prestongates.com
(503) 226-5707

January 30, 2001

Multnomah County Board of Commissioners
Attn: Board Clerk
1120 S.W. Fifth Avenue
Room 1515
Portland, OR 97204

Re: CU 0-2; Metro's Proposed Development at Howell Territorial Park

Dear County Commissioners:

We represent the Sauvie Island Drainage Improvement Company (the "Company"). Please accept this letter as a statement in opposition to approval of Planning File CU 0-2, Metro's proposal to develop Howell Territorial Park (the "Park"). Please also provide me with any additional notices regarding this decision and a copy of the decision when it is issued.

The Company is a Drainage Improvement Company formed under ORS Chapter 554 to provide drainage and flood control for agricultural operations and other uses on Sauvie Island. The Company was formed over 50 years ago and has operated ever since. Probably the Company's most important duty is to maintain the integrity and effectiveness of the dikes and ditches that provide flood control and drainage to the island. Through those efforts, the Company has provided and continues to provide significant benefits to its members, the agricultural community on Sauvie Island, other residents of Sauvie Island and the general public who come to enjoy the "pastoral" nature of Sauvie Island. The services the Company provides are essential to the continuation and enhancement of the cultural and aesthetic qualities of the Island, which the Park is designed to celebrate. Without the agriculture, which is dependent on the services provided by the Company, Sauvie Island would be a vastly different place. The Company's activities are especially vital on Sauvie Island because of the island's unique low-elevation and high-value farmland. This combination requires that flood protection be considered of the utmost priority whenever any development is proposed on the Island (See SIMCRAP Policy 32, discussed below).¹

¹ SIMCRAP is the "Sauvie Island/Multnomah Channel Rural Area Plan," a sub-plan within the Multnomah County Comprehensive Plan dealing with this particular area.

This letter is prepared based on the record as it was before the Hearings Officer. The Company provided public comment at that time indicating our opposition to this proposal and the reasons for that opposition. The Hearings Officer's decision did not address our concerns, however, new information has been submitted by Metro and the Company attempted to review that material, but was unable to do so. The Company intends to review that material immediately after this hearing and, therefore, requests that the Board at least keep the record open for an additional seven days to evaluate the new material.

The Company is not necessarily opposed to the development of Howell Territorial Park. However, the Company is opposed to any development of the Park that does not take into account the responsibilities and obligations that the Company has. First and foremost among those duties is the continued maintenance and upkeep of the ditches and dikes owned and operated by the Company. In order to maintain the ditches and dikes, the Company has a web of easements and other rights to various properties on Sauvie Island. Those easements include the areas occupied by the dikes and ditches, as well as significant portions of the area adjacent to them, in order to allow maintenance and upkeep of the facilities. The easements and other rights of the Company have not been considered or acknowledged by the proposal and Metro will be required to obtain the permission of the Company to undertake any work in the easements or that will affect the dikes and ditches in any way. This omission violates several code and Comprehensive Plan provisions, as detailed below, and has the potential to significantly interfere with ongoing agricultural practices on Sauvie Island. The code and Comprehensive Plan provisions implicated by this include the following:

MCC.7120(A)(3) requires that the applicant demonstrate that its proposal will not conflict with farm or forest uses in the area. As discussed above, the Company operates several dikes and ditches in the area of the proposed development and those dikes are crucial to the continued farming use of the area. Of particular concern are the dikes between the property and Multnomah Channel to the west and between the property and the Gilbert River to the east. Development in the areas proposed by Metro has the potential to interfere or block the Company's ability to maintain the dikes and may also impact other dikes and ditches. Because the applicant has not demonstrated that its proposal will not interfere with the operation and maintenance of the dikes, the appeal should be denied.

MCC.7120(A)(3)(a) requires the applicant to demonstrate that the proposal will not force a significant change in accepted farm or forest practices on surrounding lands. As noted above, the Company operates ditches and dikes and those activities qualify as farm uses under the statutory definition in ORS 215.203(2)(a).² As also noted above, the proposed development may

² ORS 215.203(2)(a) provides, the following definition of farm use:

“[T]he current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock,

affect the Company's operation of the ditches and dikes and the applicant has not demonstrated that the proposal will not interfere with the Company's ongoing maintenance and upkeep of the ditch and dike system. For that reason, this appeal should be denied.

MCC.7120(A)(3)(b) requires the applicant to demonstrate that the proposal will not "significantly increase the cost of accepted farm . . . practices on surrounding lands devoted to farm [use]." Once again, the applicant has not shown that its proposal will not affect the Company's operation of its ditch and dike system. Some of the actions contemplated by the applicant could significantly interfere with the easements the Company owns that allow it to operate and maintain its ditches and dikes. If the ability of the Company to access those ditches and dikes is compromised, it will likely result in a significant increase in the Company's costs. Because ditching and diking is an accepted farm practice on Sauvie Island, as well as elsewhere in the state, the applicant has failed to make its case to demonstrate that its proposal will not significantly increase the cost of operating the Company's system.

MCC.7120(A)(4) requires the applicant to demonstrate that it "will not require public services other than those existing or programmed for the area." The Company provides a public service in creating and maintaining its system of ditches and dikes that allow the safe and efficient utilization of the land for agricultural and other uses. The increased traffic and activity that the proposal will support could result in an increased need for the ditching and diking caused by increased runoff, or by hastening degradation of the dike system, requiring replacement or repair of the dikes more rapidly than is currently required or planned for. Because the applicant did not address these issues, this appeal should be denied.

The applicant has also failed to demonstrate compliance with the applicable Comprehensive Plan policies, including Policy 9, which states the County policy to designate and maintain as exclusively agricultural certain lands, including the lands on Sauvie Island. The County states its intent as "to preserve the best agricultural lands from inappropriate and incompatible development." As discussed above, the applicant has not demonstrated that its proposal is appropriate or compatible with the ongoing agricultural uses in the area, including the Company's operations. In addition, Policy 15, regarding the Willamette River Greenway, is

poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. **"Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.** "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (1)(e) or 321.415 (5)." (Emphasis added.)

implicated because of the proposal's failure to demonstrate that it will "protect, conserve, enhance and maintain" the agricultural and economic qualities of the adjacent land as embodied by the Company's ditches and dikes.

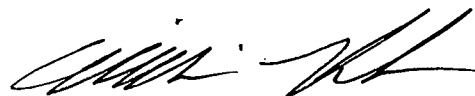
In addition, the proposal fails to demonstrate compliance with the Sauvie Island/Multnomah Channel Rural Area Plan (SIMCRAP). Policy One requires measures ensuring the maintenance and enhancement of "agricultural diversity." As discussed above, the proposal has the potential to significantly impair a vital part of the agricultural diversity of the Island. The applicant should be required to demonstrate that its proposal will not interfere with the Company's ongoing duties and obligations in providing drainage and other services to the agricultural community on the Island. In addition, Policy Thirty-Two requires "protection from flood waters" be the highest priority among competing uses. This policy emphasizes the primacy of the Company's mission and requires that any doubts regarding a proposal's compatibility with the Company's objectives be resolved against the proposal.

Finally, the Company has other concerns about this project, including the increase in traffic and intensification of the use proposed by Metro. The Company hereby adopts the arguments and evidence put forth by other opponents to this proposal regarding these and all other issues.

In sum, the Company has a significant responsibility to assure that agricultural activities continue on Sauvie Island and believes that those activities are important economic and cultural resources. The Company supports Metro's efforts to celebrate and interpret the farming history of Sauvie Island, and is not opposed to Metro's use of Howell Territorial Park. However, the preservation and display of historic agricultural uses should be done with care and in a way that does not interfere with ongoing agricultural uses. The applicant has an obligation to demonstrate that its activities will not do so and it has not carried its burden to make that showing. Accordingly, the Hearing Officer's decision should be affirmed and this appeal denied.

Very truly yours,

PRESTON GATES & ELLIS LLP



By
William K. Kabeiseman

WKK:wkk

cc: Derek Tokos

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

In the matter of a conditional use permit
application by Metro for the expansion of the
Bybee-Howell Territorial Park.

Planning File Nos. CU 0-2

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**HEARING MEMORANDUM
OF THE
SAUVIE ISLAND BOOSTERS**

In this application, Metro seeks a substantial expansion of the Bybee-Howell Territorial Park on Sauvie Island, and in the process fundamentally change the nature of the park, its operation, and its impacts on the surround farm community. The Sauvie Island Boosters is a community organization of the Island's residents that has participated in this application and attempted to work with Metro's representatives to eliminate or at least reduce the impacts from this proposal. Given the relatively concrete form of the proposal and Metro's unwillingness to acknowledge the legal and practical requirements of state law and the County Code, these efforts have largely been unsuccessful. While Metro has changed slightly the proposal since it was first denied by the County's Hearings Officer on July 7, 2001, it still presents substantial and unacceptable impacts and, for these reasons should be denied.

The Board of Commissioners should uphold the Hearings Officer and deny this application for the following reasons that were articulated in her decision and are addressed in more detail below:

1. ORS 215.283(2)(d): State law strictly limits the uses allowed on EFU land, and the use Metro proposes is not allowed because it will not be a park "owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community." In large part, the proposal is for a recreational facility, designed to serve residents of the Portland urban area but located on rural (EFU) land. Neither state law nor the County Code allow such urban uses on rural lands. Moreover, Metro's proposal includes commercial uses that simply are not allowed on EFU land, even in a public park, *e.g.* rental of facilities for picnics, parties, weddings, receptions and operation of a gift and coffee shop.
2. ORS 215.296 and MCC 11.15.7120(A)(3): Even though Metro has now assessed some of the impacts this proposal will have on existing farm operations and the cost of running those farm operations, it still will force a significant change in those farm practices and could significantly increase the cost of those operations. Metro's analysis only extends ½ mile from the park, but, because there is only one road on and off the Island, the traffic impacts from this expanded park will have an impact way beyond ½ mile to include the entire Island. The fact that Metro is willing to provide on-site parking and 14 or 21-day advance notice to farmers of large events does not help those farmers that absolutely need to use the roads for farm operations. The traffic and other impacts on farm operations will be significant.
3. MCC 11.15.7120(A)(6) and 2026: The amount of traffic this proposal will inflict on Sauvie Island's already stressed road system – all at discrete peaks – will likely create hazardous

situations where the Rural Volunteer Fire District may not be able to get through the traffic congestion or respond to emergency calls. Traffic associated with the planned events can and does congest NW Sauvie Island Road and the bridge – the only way on and off the Island – as illustrated by fall weekend traffic just before Halloween. The park expansion will not necessarily increase emergency calls, but its traffic will likely interfere or prevent responses to emergency calls, thus creating a hazardous situation.

4. MCC 11.15.7120(A)(2): The proposal will adversely affect natural resources, in particular adjacent wetlands, because of the massive amount of parking that will be provided for all events at the park. Even if large events are limited to dry weather, oils, antifreeze and other chemicals still drip from parked automobiles and, when wet weather comes, those chemicals will move through the soil and be washed into the adjacent wetland. The amount of parking and the proposed means of handling it present unacceptable impacts to this natural resource.

5. MCC 11.15.2002: In large measure, the proposal is essentially for an urban recreational facility, designed to serve residents of the Portland urban area but located on agricultural land. The adverse impacts to the surrounding farm operations will be significant and cannot be addressed simply by a 14-day advance notice of large events and a hope the County's code enforcement process will address events that exceed the maximum size that Metro has promised. The size and scope of this facility, and the impacts it will have on the Island's farming community all violate the stated purpose for EFU land in the County.

I. INTRODUCTION:

State law strictly controls what uses can occur on land outside UGBs, by definition "rural land," and, in particular the kinds of uses that can occur on land zoned for Exclusive Farm Use (EFU). *See* ORS 215.283. There is a long line of cases from LUBA and the Court of Appeals holding that urban-type facilities, with urban impacts, especially those that cater to people living in urban areas or which are more related to urban areas than to rural land, must be located on urban land, *i.e.*, within an UGB. Otherwise, to site these uses on EFU land requires a goal exception. Many, but not all, aspects of Metro's proposed expanded park are distinctly urban in nature, with urban impacts, and are designed to cater to people living within the UGB, and not rural residents. These aspects, which appear to be fundamental to Metro's proposal, cannot be allowed at this location. The basic notions that only rural uses are allowed on rural lands, and that only the uses listed in ORS 215.283 are allowed on EFU land, are found in state law and are reflected in many provisions of the Multnomah County Code.

II. DISCUSSION:

The Hearings Officer correctly denied this application based on the record before her. While Metro has now provided the information addressing the approval criteria and which was missing before, especially regarding impacts to farm operations, the proposal still does not meet the approval standards and still must be denied. The aspects of Metro's proposal that are most problematic include the specific design of this expanded park to attract large picnic parties, wedding parties, the operation of a gift and coffee shop and the basic design of attracting potentially large numbers of people and cars to Sauvie Island for these activities and events.

1. **Many of the uses Metro proposes are urban by their nature and impact and are not allowed on rural land and include commercial uses unrelated to the surrounding farm activities. Also, the park is not allowed on EFU land because it is not “operated primarily by and for residents of the local rural community” as is required for a use under ORS 215.283(2)(d).**

Sauvie Island lies outside the Portland UGB and is therefore “rural” land. Only rural uses are allowed on rural land, and the only way that an urban use can be sited on rural land is by taking an exception to at least State-wide Planning Goal 3 and most likely Goal 14 as well.¹ The determination of whether a use is “urban” or “rural” is made on a case-by-case basis, and even a park/recreational use proposed by a governmental entity such as Metro is not exempt from the law.

LUBA and the Court of Appeals addressed a similar situation in 1987 when an outdoor performing arts center was proposed in rural Washington County.² See *Hammack & Associates v. Washington County*, 16 OrLUBA 75, *aff’d* 89 Or App 40, 747 P2d 373 (1987). In *Hammack & Associates*, the County had approved an amendment to its Rural/Natural Resources Plan Exception Statement Document to allow exceptions to Goals 3, 4 and 11. Opponents appealed, and LUBA remanded the decision because, in part, the County had improperly assumed that the proposed outdoor center was a “rural use.” Significant to LUBA’s decision, the proposal’s impacts and the nature of the use included inherently “urban” elements. According to LUBA:

“... while the performing arts center is said to be seasonal and would offer less than 20 performances during the season, nothing in the county's approval limits the number of performances. In addition, even if the number of performances were limited, the center, on the days it is used, will generate significant noise, accommodate thousands of people, and generate significant traffic impacts that will require careful management to minimize impacts on the transportation system. While the use may exhibit urban characteristics only a few days a year, it is an urban use on those days.”

Hammack & Associates, Inc. v. Washington County, 16 Or LUBA at 82 (1987) (emphasis added). There are other cases discussing the extent that commercial uses are allowed on EFU land in conjunction with farm uses under ORS 215.213 and 215.283, and the basic holding is that:

“...even if a commercial activity primarily sells to farm uses, that may not be sufficient to allow the commercial activity to qualify as a commercial activity in conjunction with farm use. There is a second inquiry that must be satisfied. The

¹ *1000 Friends of Oregon v. LCDC (Curry County)*, 301 Or 447, 724 P2d 268 (1986).

² The outdoor performing arts center in *Hammack & Associates v. Washington County*, 16 OrLUBA 75 (1987) was described as having fixed seating for 5,000, with lawn space to accommodate another 10,000, plus a covered stage. Traffic generation was expected to be 3,750 to 9,000 per event and parking was on-site.

products and services provided must be 'essential to the practice of agriculture.' While farmers must eat and farm equipment frequently operates on gasoline, that is not sufficient to make grocery stores or gas stations commercial activities in conjunction with farm use. The connection must be closer to the 'essential practice of agriculture.' In the cases cited above, that connection was found to be satisfied by a winery, a hops warehouse, and a farm implement and equipment business."

City of Sandy v. Clackamas County, 28 Or LUBA 316, 320 (1994) (emphasis added), citing *Balin v. Klamath County*, 3 LCDC 8, 19 (1979); *Earle v. McCarthy*, 28 Or App 541, 560 P2d 665 (1977) and *Craven v. Jackson County*, 308 Or 281, 779 P2d 1011 (1989).

The use at issue in *Hammack & Associates, Inc. v. Washington County*, is strikingly similar in character and impacts to what Metro proposes here. In its present condition the Bybee/Howell Park likely qualifies as a "rural" use; however, many of the changes, new facilities and uses Metro proposes are decidedly "urban" in nature and impact. In particular, the new expanded park facilities, 3 picnic shelters with aggregate seating for 240 and indoor kitchen facilities, promise to attract substantially larger numbers of visitors for organized "events," picnics, reunions, parties and weddings. Metro anticipates two new "large events" of 1000 people each year and an undetermined and unregulated number of events as large as 300 people on any/every day throughout the year. However, there is absolutely nothing in the record that indicates Metro or the County can assure these visitor limits. Metro also proposes a gift shop and coffee shop – both commercial uses unrelated to rural resource land and therefore not allowed. None of these uses bear any relation to the rural land upon which the park is situated; they are urban in their nature and impacts, and therefore are not allowed. As LUBA said in *Hammack & Associates, Inc. v. Washington County*, "While the use may exhibit urban characteristics only a few days a year, it is an urban use on those days."

ORS 215.283 lists the uses that are allowed on EFU land and those conditionally allowed in ORS 215.283(2). Metro has proposed this park expansion as a park under ORS 215.283(2)(d) which specifically allows only the following:

"Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120."

ORS 215.283(2)(d) (emphasis added).

The explicit requirement that any use allowed under this provision be "operated primarily by and for residents of the local rural community" is consistent with the fundamental requirement that only rural uses are allowed on rural land, and a rural use is one that serves the rural community.³ The expanded park that Metro proposes, in fact, is not designed primarily for

³ Metro suggests that ORS 215.283(2)(d) really allows two types of parks, those "owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community" and a "public park may be established consistent with the provisions of ORS 195.120." However,

the rural residents of Sauvie Island, but are designed for residents of the urban area. There is little, if anything, about this aspect of the park expansion proposal that is designed to cater to the needs, or be used by, rural residents. As such, the park Metro proposes does not fit the use described in ORS 215.283(2)(d) and is an urban use that should be located in an urban area.⁴

2. **Metro's proposal will have significant adverse impacts on surrounding farm practices and will significantly increase the cost of maintaining and operating a farm near this park. In particular, the traffic peaks predicted by Metro for "large events" and even for daily, 300 visitor, events will significantly impact any farm operation that requires use of NW Sauvie Island Road or the Sauvie Island Bridge – even with 14-day notice of an event. Moreover, Metro provides no justification for its ½ mile farm impacts study area; whereas, the traffic impacts associated with the expanded park will significantly affect farm operations well beyond that range.**

ORS 215.296(1) requires the proponent to prove that the proposed conditional use will not force a significant change in accepted farm or forest practices on surrounding land devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on surrounding land devoted to farm or forest use. It is not sufficient for an applicant to point to a lack of impacts, instead the statute imposes an affirmative burden on the applicant to prove a lack of impacts. The original application included no farm or impacts analysis.

Since the Hearings Officer's denial, Metro has submitted a farm impacts analysis of its proposed park expansion limited, however, to farm operations within ½ mile of the park. Metro's analysis includes a list of some, but not all, farm operations within that range, but provides absolutely no justification for the limited geographic extent of the search ring. In fact the expanded park, as proposed presents two types of impacts: impacts very close to the park property and impacts that extend beyond ½ mile and affect every farm operation on Sauvie Island that depends on NW Sauvie Island Road and the Sauvie Island Bridge.

The short-distance impacts from this operation are well documented in the record and are most acutely suffered by the immediately adjacent farmers. Park visitors frequently stray onto the adjoining farm properties, including that operated by Bailey Nursery, trespassing, causing

Metro misreads the statute because the first sentence anticipates both public and private parks, and the second sentence applies only to public parks. Therefore public parks such as this one must meet the requirements of both the first and second sentences in the statute.

⁴ In its proposed supplemental findings in support of approval, Metro explains that this proposal is really a park master planning exercise under OAR division 660-034 (state and local park planning). Metro states that several of the uses, including picnic shelters, parking lots, overflow parking, restrooms and admission booth are allowed under OAR 660-034-0035. However, the entire Division of rules anticipates a coordinated planning effort by which the local government amends its comprehensive plan and address all of the applicable goals with regard to the mix of uses proposed for a particular state park. In fact, the rule does not even apply here, in this conditional use permit proceeding where no plan amendment is proposed. Moreover, the rule cited by Metro only applies to state park proposals by Oregon Parks and Recreation Department. All of the uses Metro proposes in this juncture must still pass muster with the applicable laws. See OAR 660-034-0030(5) ("... The local government shall alter or disallow uses described in the park plan only to the extent necessary to comply with statewide planning goals and/or ORS 215.296.").

damage and interfering with normal farm operations. Significant impacts are also felt by those properties trying to eradicate tansy ragwort and keep their cattle from straying onto the park property. Metro has proven itself to be a bad manager of its farm property by allowing tansy ragwort and other noxious and invasive weeds to flourish and in failing to maintain its fences.

Long-distance impacts are caused by the substantial amount of traffic generated by both the large events, claimed to be no larger than 1000 people, and the day-to-day events, claimed to involve up to 300 people per day. All of these events will involve high volume and precisely peaked traffic flows which stand to congest, or totally block Sauvie Island Road between the park and Highway 30. The Management Plan and County staff corroborate the already strained traffic facilities on Sauvie Island.⁵ It is well documented that big events on Sauvie Island already can and do congest traffic to the point of collapse, resulting in extremely long delays waiting to leave the Island. The Island's farmers already experience these traffic failures on weekends in the fall before Halloween. Metro now promises to make such traffic congestion a regular event on the Island – again, for reasons unrelated to agriculture or farm operations.

Metro acknowledges the large number of cars that large events will generate. However, there is nothing in the record to support its assumption that it or the County can limit large events to 1000 vehicles. The only mitigation Metro offers is to provide 14 days notice of these events to farmers near the park, but as one farmer, Dave Kunkel, states in his letter to the Commission, he takes produce off the Island on almost a daily basis throughout the summer and a 14-day notice will not change that – the traffic will still cause a substantial impact to this and all other farmers that depend upon the roads. Even the daily events of up to 300 vehicles will cause traffic congestion for farmers needing to get on or off the Island because the trips will be highly peaked. Again, there is nothing in the record to suggest that Metro or the County have any power to actually limit any of these daily events to 300 vehicles, especially when Metro will be marketing the park for large family and company picnics and wedding events.

Finally, given the fact that any farm on the Island that requires dependable use of NW Sauvie Island Road and the Sauvie Island Bridge for moving farm products off the Island or equipment and supplies onto the Island, a ½ mile study area is insufficient. The traffic congestion that will be caused by large events and daily events at the expanded park will have an impact that extends to farm operations well outside of the ½ mile ring that Metro investigated. Metro provides no justification for the limited scope of its study area. *Bruck v. Clackamas County*, 15 Or LUBA 540, 543 (1987) (In defining an area to study, the county must explain what justifies the scope and contours of the study area); *Friends of Linn County v. Linn County*, (LUBA No. 99-191, slip op. March 30, 2000); *Hearne v. Baker County*, 35 OrLUBA 1650-51 (LUBA No. 97-146, slip op. March 18, 1998). Because the ring excludes farm operations that the record shows will suffer significant impacts, the ½ mile study area is inadequate.

⁵ As Don Posvar, Chief of the Sauvie Island Fire Department, points out in his December 20, 2000 letter, the existing park master plan acknowledges the Islands' already over-capacity road system: "More recently, urban residents flock to the Island seeking its sandy beaches, spectacular wildlife viewing, pastoral setting and produce markets. Unfortunately, some of these visitors create problems which include traffic, crime, trespassing, littering and emergency response needs which in some cases exceed the capabilities of the Island's resources."

3. **MCC 11.15.7120(A)(6) and 2026 require denial because the traffic and access associated with the proposed park expansion will not be safe and convenient for pedestrians and for passenger and emergency vehicles. Don Posvar, Chief of the Sauvie Island Fire Department, states that traffic congestion associated with the planned large and daily events at this park will make it extremely difficult or impossible for the District to respond to emergency calls.**

This local code provision requires the applicant to prove that traffic generated by the use, and considering the proposed access, will be safe and convenient for pedestrian and for passenger and emergency vehicles. As already stated, Metro's proposal promises substantial traffic impacts at beginning and ending peak times for large events at the park and even for daily events involving 300 vehicles. Don Posvar, Chief of the Sauvie Island Fire Department, has stated in two letters (September 6 and December 20, 2000) that the traffic congestion associated with the planned events at this park will make it extremely difficult or impossible for the District to respond to emergency calls. This creates a hazardous situation and precludes a finding of compliance with MCC 11.15.2026 or 7120(A)(6).

4. **MCC 11.15.7120(A)(2) requires denial where the proposal stands to adversely affect natural resources. Metro proposes two expansive parking areas on grass adjacent to wetlands. Even though the parking may, but probably will not, be limited to dry parts of the year, the chemicals dripping from cars will soak into the soil and eventually will end up in the wetland once the winter rains begin.**

MCC 11.15.7120(A)(2) precludes approval where the proposed conditional use stands to adversely affect natural resources. The proposal is indefinite about parking, but appears to provide for two large parking areas in grassy fields adjacent to wetlands on the property. Metro claims these are "overflow parking areas" for the two large events of 1000 visitors that will be gated when not in use for the large events. However, because the proposed hard surface parking lot will have only 27 spaces, it must be assumed that the daily 300-person events will park in these "overflow areas." In any event, it is clear that a substantial number of cars – possibly tens of thousands each year – will park in these fields. The Hearings Officer concluded that the oils, gas and other chemicals dripping out of these vehicles would contaminate the adjacent wetland. Metro now proposes the grassy areas for use only during dry times of the year as though that will prevent contamination of the soil and adjacent wetland.

Aside from the internal contradictions in Metro's proposal for these grassy "overflow" parking areas,⁶ they, in fact, will be used for parking cars, and those cars will still drip oil, gas and other chemicals into the soil. Even though the release of these chemicals, which served as a basis for denial by the Hearings Officer, may now occur on dry soil, winter rains will still soak the chemicals into the soil and wash them into the adjacent wetlands. The wetlands will still be

⁶ If the two large grassy lots are reserved for overflow parking only for large events of 1000 visitors, this still leaves only 27 parking spaces for the daily events of 300 vehicles. 300 vehicles will not fit in the 27 proposed hard surfaced parking spaces, and therefore, it is assumed that the grassy areas will also be used on a daily basis as overflow parking once the 27 spaces are filled. Under Metro's proposal, this will likely happen every day there is any event at in the park.

impacted by chemical contamination and this basis for the Hearings Officer's denial is still valid and unaddressed.

5. **MCC 11.15.2002 (the purpose statement for EFU land) requires the preservation and maintenance of farm lands for uses consistent with existing and future farm needs. The present proposal violates this policy because of its significant adverse impacts on accepted farming practices – on adjacent farms and any farm that relies upon NW Sauvie Island Road and the Sauvie Island Bridge – and these impacts cannot be eliminated or mitigated.**

The general purpose for EFU zoned land in Multnomah County is to “preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County...” Many of the uses Metro proposes for this expanded park are inherently urban in their impacts and character. As one Island farmer, Dave Kunkel, said:

As a farmer, [Metro's proposal] brings another urban use to Sauvie Island that we, as farmers, must work around. From an agriculture perspective, the Island is already overwhelmed with urban uses. Traffic is the most obvious problem with expansion of the park. There still is only one way off of the Island. ... I urge you to recommend denial of the application to the county commissioners. Neither Sauvie Island or the farmers on Sauvie Island need any more urban uses to work around.”

The park expansion, in fact, will bring new and larger urban uses to the Island, including large-capacity picnic shelters, covered kitchen facilities for catered picnics, parties and other events, for weddings, receptions and related functions, and a gift and coffee shop. None are rural uses, none are “operated primarily by and for residents of the local rural community;” none promote the preservation of Sauvie Island farms for current and future farm use; none bear any relationship to the rural land or uses, and all will have urban impacts and, at times, all are urban in character. As LUBA said: “while the use may exhibit urban characteristics only a few days a year, it is an urban use on those days.” The introduction of these events and the large number of people, vehicles and incompatible uses to EFU land undermines the current and continued operation of farms on Sauvie Island in violation of MCC 11.15.2002.

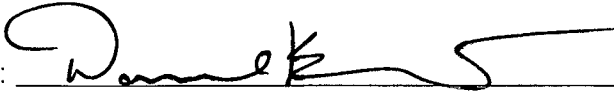
III. CONCLUSION:

Metro is proposing a significantly expanded and altered suite of uses of the Bybee-Howell Territorial Park. One primary objective of the expansion is to attract large groups from the Portland urban area to Sauvie Island for picnics, parties, receptions wedding functions and events of all sorts – most of which will have nothing to do with farm uses, agriculture or the surrounding rural land. These uses are inherently urban in their character and promise urban impacts – especially with regard to traffic and the large number of vehicles and people attracted to the property. These uses promise substantial adverse impacts for the surrounding farm

operations, something that will greatly increase the costs of those farm practices. On this basis alone, state law requires denial of the application.

Respectfully submitted this 30th day of January, 2001.

REEVE KEARNS, PC

By: 

Daniel Kearns, OSB #89395
Attorney for the Sauvie Island Boosters

CHET ORLOFF
3332 Northwest Savier Street
Portland, Oregon 97210
503/223-5932 chetorloff@msn.com

January 24, 2001

Members of the County Commission
Multnomah County Commission
501 S.E. Hawthorne Bv.
Portland, Oregon 97214

Re: Howell Territorial Park

Dear Chairwoman Stein and Commission Members:

I write as a private citizen as well as in my capacity as former Director of the Oregon Historical Society (OHS) to state my position vis-a-vis Metro's plan for Howell Territorial Park on Sauvie Island.

Several years ago, Metro initiated planning for providing both the preservation and modest public use of this magnificent park, appropriate to its rural setting and heritage. Members of the public, particularly residents of Sauvie Island, were invited and encouraged to participate in the planning process. Last year, the draft plan was completed and, following deliberations with County planning staff and representatives from Sauvie Island, it is being presented to the County Commission.

I am strongly in favor of the proposed plan, which I believe addresses two key goals: (1) preservation of the park's natural and historic resources and (2) provision of modest recreational use for the citizens of the metropolitan region.

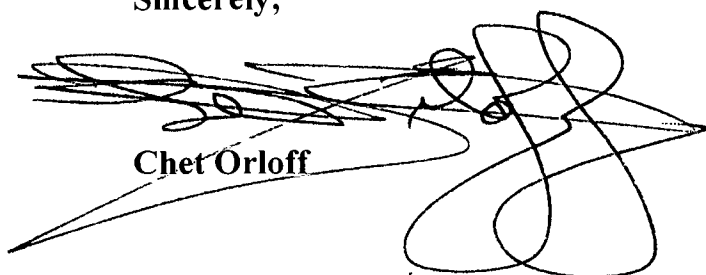
At a recent meeting to discuss the proposed plan at the Sauvie Island Grange, I strongly made a suggestion in response to opposition that was articulated against the picnic shelters that are currently proposed in the plan. I recommended that, in light of Island residents' concerns over the shelters' imposition upon the natural and historic setting of the park, Metro staff consider removing them from the plan and, instead, reconsider using the "barn" at the park as a staging and interpretive area. (I, personally, had a strong sense at the meeting that others agreed that this was a critical "sticking point.")

Hon. Beverly Stein
Members of the County Commission
January 24, 2001
Page two

This is my opinion, and not the Historical Society's, whom I no longer speak for. While I believe that there is "room" for citizens and Metro to negotiate on the specific matter of the picnic shelters, my opinion also includes *maintaining* other elements of the plan. Such elements, which I didn't comment on at the Grange meeting, include the parking area, trails and wildlife viewing blinds, and improvements within the "barn." Considering the history of the park, I do not believe these elements impinge on its natural and historic qualities and I do believe they will provide visitors with valued recreational and educational opportunities — all elements that are essential to the plan and to the park's future management.

I will be attending the hearing on January 30 and look forward to testifying, in general, on behalf of Metro's plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Chet Orloff", with a large, stylized flourish extending to the right.

cc: Metro Executive Officer Mike Burton
Norma Paulus, OHS Interim Director
Lora Cresswick

Good Morning Commissioners and Chair Stein, my name is Cameron Tyler and I was a member of the advisory committee for the Howell Territorial Park Master Plan.

Every member of my family has, at some point, worked at the Bybee Howell House. My parents spent most weekends at the house in the early 60's helping to bring the historic home to a condition that could be habitable by visitors. My brother and I volunteered on summer days for many years---pulling weeds and other odd jobs around the house and barn... and both of my sisters worked in the house giving tours. While I am not a resident, I feel I am not a complete outsider.

The process for the master plan was very well thought out and all inclusive of the members of the committee and open to other residents who could have joined--but chose not to. The committee was made up predominantly of island residents, Carla Simon--the curator of the Bybee Howell House at that time, Jane Hart from METRO, Jack Cleaver from the OHS, Bo Nevue--the landscape architect, Terry Dufour from ODF&W and me.

We had two well-publicized open houses for all of the Island residents and any other citizens who had an interest in the park and they were surprisingly well attended.

I am no stranger to public process and I have to say that this was my first dealing with METRO on a significant project and I was impressed with their staff and the way that they worked to include the residents in the process for the house. They genuinely wanted their input and went to great lengths to include everyone in the design for the park. I haven't seen an effort like this on many other projects and I have had the chance to work on many since that time.

As I was Chief of Staff for Commissioner Saltzman at that time, Sauvie Island fell under our jurisdiction and I took responsibility for attending many meetings and working on issues that were going on out there at the time. This included the Master Plan, Rural Area Plan, Birds of Prey and other issues of concern to the residents.

I reported regularly on these topics to our Board Staff--which consisted of all the Chiefs of Staff for the County Board. It is the responsibility of Board Staff to update the other offices on items that they are working on, especially when it is a significant land use issue, as this was.

The one fear that was brought up then and has been echoed throughout my lifetime and long before me is that making improvements to the house will change the integrity of the park and will attract too many visitors to the Island. My parents said that they listened to the same concerns back in 1962 when it was acquired by the Oregon Historical Society. They had but a small hand full of Islanders supporting the efforts of the Society at that time, the tune hasn't changed much since then.

I understand that fear, you live in a beautiful place and you don't want any more people visiting the Island. In fact, the numbers that I have seen, indicate that the projections for increased visitation are akin to two pumpkin patch weekends---and this is spread out over many months. Not just a few autumn days.

Most of the changes that have been suggested are in keeping with updating a 19th century house to the 21st century. They are well thought out. Metro and the Nevue Ngan group were extremely sensitive to the wishes of the residents and to keeping the property as unspoiled as possible while making some necessary changes. The birds will continue to roost on the island and the wildlife will adjust to the albeit, minor changes to the property. I think you will find that the Bybee Howell House and METRO will continue to be just as good a neighbor as it has been for the last century.

Meeting Date: JAN 04 2000
Agenda No: R-6
Est. Start Time: 11:00

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Board Decision Following October 26,2000 DeNovo Hearing Regarding the Hearings Officer Decision in Case CU 00-02.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: January 4,2001
 Amt. of Time Needed: 1 Hour

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Derrick Tokos **TELEPHONE:** 988-3043 , 22682
 BLDG/ROOM: 455 /116

PERSON(S) MAKING PRESENTATION: Derrick Tokos

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
00 DEC 2 / PM 4:19

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☐ Approval ☒ Other

SUGGESTED AGENDA TITLE

Board Decision Following October 26,2000 DeNovo Hearing Regarding the Hearings Officer Decision in Case CU 00-02, Denial of a Conditional Use Permit Application for Development Within Howell Territorial Park on Property Located at 13901 NW Howell Rd, Portland

SIGNATURES REQUIRED

Reviewed by: _____

Elected Official: _____

or

Department Manager: slm

Maria Rojo de Steffen



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

CONTENTS OF THE BOARD PACKET

In addition to the Hearing Officer Decision, Notice of Review and updated Exhibit List, the following items are included in the packet for this January 4, 2001 Hearing:

<u>Exhibit</u>	<u>Pages</u>	<u>Description</u>
L6	5	December 13, 2000 letter from the Sauvie Island Boosters listing their concerns with this application
L7	22	Metro analysis to support supplemental Findings prepared for the January 4, 2001 Hearing, with attachments
L8	1	Staff Response to December 14, 2000 e-mail from Julie Cleavland, regarding the applicability of ORS 215.283(2)(d)
L9	3	Fax letter from the Sauvie Island Fire Department, received December 20, 2000
L10	4	Farm Management Plan for Howell Territorial Park prepared by Metro, received December 26, 2000
L11	11	Supplemental Findings and Proposed Conditions of Approval, Prepared by Metro for the January 4, 2001 Hearing
L12	2	Staff Seven Points Summary for the January 4, 2001 Hearing
L13	3	Key Issues And Recommendation Matrix Prepared By Staff for the January 4, 2001 Hearing
L14	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 4, 2001 Hearing



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 248-3043 FAX: (503) 248 -3389

Decision

Conditional Use Permit Application – Community Service Use

Case File:	CU 0-2
Hearings Officer:	Liz Fancher
Hearing Date:	May 17, 2000
Application:	A Conditional Use Permit application for development within Howell Territorial Park, as set forth in a Master Plan for the park adopted by the Metro Council, April 17, 1997.
Location:	13901 NW Howell Road Tax Lot 100, Section 21, T2N, R1W, W.M. (R97121-0120)
Applicant:	Lora Price METRO 600 NE Grand Avenue Portland, Oregon 97232
Site Size:	101.51 acres
Present Zoning:	Exclusive Farm Use (EFU) Willamette River Greenway (WRG) Community Service (CS)

00 JUL -6 PM 2:51

MULTNOMAH COUNTY
PLANNING SECTION

Hearings Officer Decision:

Denial. The application and record lack sufficient factual information to allow the hearings officer to make findings that must be made in order to approve the application.

Findings of Fact

(Formatting Note: Headings for each finding are underlined. Multnomah County Code requirements are referenced using a bold font. Written responses by the applicant, intended to demonstrate compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments. Findings written by the hearings officer are preceded by the notation "Hearings Officer." All findings and comments are adopted as findings of the hearings officer except those shown with strike-through markings.)

1. Property Location

Howell Territorial Park [Howell Park] is located off of Sauvie Island Road on Howell Park Road in Section 21 of Township 2N, Range 1W. [See Exhibit 1, Location Map.]

The park area is approximately 101.51 acres. The master planning area subject to this application includes tax lots described as TL 12 (72.57 Ac.), TL 13 (20.76 Ac. now part of TL 12), TL 18 (5.66 Ac.), and TL 19 (2.53 Ac [See Exhibit 2, Existing Conditions and Exhibit 3, Proof of Ownership.]

Farms abut Howell Park to the north and south. The NW Sauvie Island Road and the Multnomah Channel border the western flank of the park. To the east, the Gilbert River bounds the park.

Staff: The tax lots referenced above have been consolidated, as illustrated on current Assessment Maps (see Exhibit 4). Lands subject to this application are now referenced as Tax Lot 100.

2. Proof of Ownership

Metro owns and maintains the land, buildings, and related park improvements. Metro occasionally conducts public educational programs on-site. Metro contracts with the Oregon Historical Society (OHS) for services related to historical interpretation and park visitor services. Multnomah County shares the cost of the OHS contract with Metro.

The OHS provides the following services at Howell Territorial Park:

- *Research and interpretation for the Bybee-Howell House, grounds, and artifacts on exhibit.*
- *Hires, trains, and supervises interpretive staff who lead house tours, conduct living history programs and provide for public security.*
- *Provides interior housekeeping and security during open hours for structures and furnishings.*
- *Hosts special events.*

Staff: A deed recorded September 13, 1996, with instrument #96139415, establishes that Metro owns all lands subject to this application (see Exhibit 3).

3. Present Zoning

Howell Territorial Park and all surrounding lands are zoned EFU, Exclusive Farm Use. Selected polices of the Multnomah County Comprehensive Framework Plan (Framework Plan) and the Sauvie Island Rural Area Plan (SIRAP) apply to this application.

The Willamette River Greenway (WRG) and Significant Environmental Concern – Wetlands (SEC-w) zoning sub-districts overlay the site...Howell Lake, the Gilbert River, Park wetlands, and Park historic sites are designated as significant Goal 5 resources. [See Framework Plan, Policy 16 (G) and Framework Plan Map.]

Multnomah County issued Community Service (CS) approvals for Howell Park in 1963, 1968, 1969 and 1974 for land acquisition and related park development.

4. Existing Site Characteristics

Hydrology

Flooding has had a major influence on Sauvie Island and the site over time. The construction of the dike system stabilized flooding. All mapped FH lands lie west of the dike and are outside the scope of this project.

A shrub/scrub wetland is located in the northwest corner of Howell Park. [See Exhibit 5, Vegetative Communities.] The amount of water in the wetland is determined by annual precipitation and ground water. Howell Lake is a large fresh water wetland, the level of which historically fluctuated with seasonal flooding and dry weather conditions. In 1992 Multnomah County added a well and submersible pump to maintain the lake at desired levels. An earthen dike separates Howell Lake from the Gilbert River, the eastern boundary of the site. The Gilbert River collects much of the storm water run-off on Sauvie Island and provides important food and cover sources for local wildlife.

Topography and Soils

From NW Sauvie Island Road on the west, the land drops down off of the dike onto a rolling plain. The Bybee-Howell house sits on an alluvial terrace above the plain. Immediately south and west of the house the terrace drops steeply into the ancient river channel, which predates the dike-building era. The balance of the site is a level ancient flood plain and present-day wetlands.

Three types of soil predominate the site: Sauvie Island Silt Loam, Burlington fine sandy loam, and Moag silt clay loam. Sauvie Island silt loam (soil type 45, Class II-w) is the dominant soil type and is found on the level areas of the park. It is poorly drained but supports agriculture and wildlife. Burlington fine sandy loam (soil type 6b, Class II-e, and soil type 6c, Class III-e) is found near the house and oak grove. It is well drained and well suited for farming. Moag silt loam (soil type 28, Class III-w) is found around and under the small wetland and Howell Lake. This hydric soil is poorly drained and supports wetland vegetation. [Source, Soil Survey of Multnomah County, Oregon, USDA Soil Conservation Service, 1983.]

Vegetation Communities

Howell Park has a variety of upland and wetland plant communities that are representative of the vegetation found on Sauvie Island. [See Figure C, Vegetation Communities.] For a more complete

discussion of the vegetation communities on the site, see Exhibit 6, Howell Territorial Park Master Plan, prepared for Metro and the Oregon Historical Society, April 1997. No rare, threatened or endangered plant species have been found or are known to exist on the site. The vegetative communities include:

Upland Vegetation.

- Pasture: A large portion of the site is currently in pasture use and is regularly mowed, grazed or hayed. Dominant vegetative species include non-native pasture grasses and forbs. Invasive plants, such as tansy and thistle, are common. Seven large oak trees, a remnant of the Savanna oaks community that existed on Sauvie Island for hundreds of years, are located in the pasture
- Hedgerows: Fence lines on the south and north property lines are planted in hedgerows. The hedgerows provide food sources, cover, and nesting opportunities for wildlife. The hedgerows also provide visual screens from adjoining properties.
- Forest: Small mixed deciduous forested areas are located primarily south of the Bybee-Howell house and along the Gilbert River. Bigleaf maple, red alder, and Oregon white oak are the dominant tree species.
- House Grounds / Orchards: Foundation plantings surround the perimeter of the house. East and north of the house are mature fruit, nut and ornamental tree orchards. The Home Orchard Society planted the orchard in 1974. Cuttings from historic fruit trees were grafted to dwarf rootstock to create the present fruit orchard. Douglas fir trees, north of the house, were planted in the 1970s.

Wetland and Riparian Vegetation.

Palustrine and riverine vegetation communities are found on the site.

- Shrub/scrub Wetland: North of the house is a small wetland dominated by smartweed and bidens (beggars tick) in the lowest portion of the wetland, and willows and reed canarygrass along the edges. This type of small seasonal wetland was common on Sauvie Island prior to water control practices. Seasonal wetlands are an important habitat area for migrating waterfowl.
- Emergent Wetland: Howell Lake is primarily open water with about five percent of the surface covered with emergent aquatic vegetation. Wetland plant composition includes two dominant species: reed canarygrass and soft rush. Wapato, an important food source for Native Americans, is found on the east side of the lake. (Wapato was once so abundant here that Lewis and Clark named the island 'Wapato Island'.)
- Riparian Forest: A narrow band of riparian vegetation exists along the Gilbert River and the culvert outfall of Howell Lake.

Wildlife

Sauvie Island is located on the Pacific Flyway and therefore attracts a large number of bird species year round. Public agencies have managed nearly 12,000 acres of the island for wildlife use since 1947. The park site contains habitat suitable for many waterfowl and songbird species. Howell Territorial Park prohibits all hunting on parklands. Common water birds observed include pied-billed grebe, American coot, Virginia rail, sora, great blue heron, double-crested cormorant, Canada goose, and a dozen different species of ducks. Thirty-five species of songbirds are common in the park including nesting purple martin, marsh wren, common yellowthroat, savannah sparrow, red-winged blackbird, occasional yellow-headed blackbird, and American goldfinch. Red-tailed hawk, American kestrel, and Cooper's hawk nest nearby and hunt in the park.

Mammals observed include several bats, Townsend's mole, California ground squirrel, nutria, beaver, river otter, coyote, and black-tailed deer. Common reptiles and amphibians are Pacific tree frogs and two species of garter snake.

Bald eagles, a formerly endangered species, have been observed foraging at the site. No other rare, threatened, or endangered animal species have been found or are known to exist on-site.

Historic and Cultural Resources

The Oregon Archaeological Society completed an archaeological survey on-site in the summer of 1993 for the purpose of locating historic structures. The survey produced no conclusive evidence of historic structures, though the survey team found historic artifacts scattered on the site.

James Bybee built his home here in 1858. The Bybee-Howell House, as it is now called, is one of the most significant examples of settlement era Greek Revival architecture extant in Oregon. The 1,880 sq. ft. house and surrounding property are located on the National Register of Historic Places and are significant Goal 5 resources. Multnomah County acquired the property in 1962 and the house has been used for museum purposes since that time. The OHS provides historical interpretation of domestic and farm life in the house and on grounds.

Roads, Parking, and Circulation

Howell Park Road provides direct access from Sauvie Island Road to the park. Multnomah County owns and maintains Howell Park Road from Sauvie Island Road to the park maintenance entry. Howell Park Road becomes a private drive that is owned and maintained by adjacent property owners. A portion of the private drive is located within the park boundary. A maintenance road provides vehicle and emergency access to the barn, house and grounds. The roads are described in Table 1 below.

Table 1, Existing Roads

Road	Width (feet)	ROW (feet)	Surface	Length (feet)
Howell Park Rd.	20	60	Asphalt	790
Maintenance Rd.	10	-	Gravel	395
Private Rd.	14	-	Gravel	290

The park provides two parking areas on the north and south side of Howell Park Road. The parking areas are described in Table 2 below.

Table 2, Existing Parking

Area	# of Cars	Surface	Use	Season
North Field	295	Grass	Park	June – Sept.
South Field	310	Grass	Special Event	June – Sept.

Hearings Officer: Metro has not established that the Table 2 "Existing Parking" has ever been approved in the prior land use reviews of park use. It seeks approval for this parking so, from the point of assessing impacts to farm neighbors, the matter is being reviewed as though this parking does not yet exist. It is noted, however, that the parking space figures in this table do not match the figures used in the traffic study. Those figures indicate a total of 500 parking spaces in both fields. The difference in these numbers may arise from the fact that the fields are not formal, paved parking areas so lack space

striping. Without striping, vehicles may be parked closer to each other enabling Metro to fit more cars into the fields.

As this discrepancy has not been clearly addressed by Metro and the burden of proof rests on Metro, the hearings officer finds that Metro's proposal seeks approval for 605 unimproved parking spaces, 25 improved parking spaces, two improved bus parking spaces and two improved handicapped accessible parking spaces. This amount of parking will allow approximately 2000 persons to visit the park at any one time.

Park visitors enter the site at a fence opening between the north parking area and the house grounds. There are no trails in the park. Pedestrian circulation is informal.

Parking, grounds, picnic areas, buildings, and restrooms were constructed or developed prior to the passage of the Americans with Disabilities Act (ADA) and are not in compliance with the Act.

Non-Historic Buildings and Structures

Barn. The barn is a slab on grade, wood framed building that was built for storage purposes. An agricultural museum was added as a use in 1980. Public restrooms and a small office/kitchen/meeting room are located in the northwest corner of the barn. The second floor is unfinished.

Finnish Cabin. The OHS built the log cabin for exhibit purposes in the 1970s. It is a small three-sided structure with an open front and is located between the barn and the house.

Fencing, Gates, Signs. The park employs a variety of fencing materials including barbed wire, split rail, and chain link. [See Table 3, Fencing and Gates below.] Fences are used to manage cattle, limit cattle access to Howell Lake, and separate the grounds from the road, and direct pedestrians to the park entry. There are two signs in the park, one identifying the park and the other listing the park regulations. Both signs are located at the park entry-point.

Table 3, Fencing and Gates

Type	Lineal feet	Quantity
Barbed wire	12,000	-
Split rail	500	-
Chain link	200	-
Cable gate	-	2
Wooden gate	-	1
Pasture gates	-	11

Picnic Area. The expansive grassy area around the house is used for casual and organized picnics, parties, and organized special events. The OHS 'Wintering-In' festival occurs at the end of September and attracts several thousand people to the park for a weekend of historic interpretive events, food and entertainment. [See Table 5, Park Furnishings.]

Table 4, Park Furnishings

Item	Number	Material
Picnic Tables	15	Wood/steel
Barbecue	1	

Park signs	2	Wood
Sculpture	1	Metal

Farm Area. The pasture is used for grazing under a lease with Mrs. Marge Howell, a descendant of Thomas Howell. Metro will continue to lease the original property out for agricultural use through 1999 and will lease the recently purchased twenty acres for agricultural purposes through 2003. Thereafter, Metro can continue to use all or a portion of the park for agricultural purposes on an annual lease basis.

Utilities and Services

Existing utilities are shown on Exhibit 7, Utility Plan, and in Table 6, Existing Underground Utilities. There is one private telephone onsite for Metro staff use only. The alarm system was installed in the 1960s and was updated in the 1970s. A septic system serves the barn restrooms and was installed in the late 1960s.

Table 5, Existing Underground Utilities

Type	Description
Water system # 1	
Water	Potable
Location	House basement
Use	House, barn & grounds maintenance
Pump capacity	86 gpm
Water lines	328 ft. from house to barn; hose bibs at house and barn
Water system # 2	
Water	Potable
Location	Pasture
Use	Howell Lake water supplement
Pump capacity	220 gpm.
Water lines	570 ft. of 4" PVC discharge line to wetland, 75 ft. of ¾" PVC to watering trough
Pump depth	87 ft.
Pump type	7.5 HP submersible
Electrical	
Provider	PGE
Service	120/240 volt to house and barn for lighting and equipment 700 ft. of 3-phase to # 2 well pump for supplemental water for wetland
Natural gas	
Provider	Northwest Natural Gas
Use	Heating barn and house

5. Project Description:

1. Master Plan Goals

Metro adopted the Howell Territorial Park Master Plan in April 1997. Metro Regional Parks and Greenspaces, the Multnomah County Natural Area Fund and the Oregon Historical Society funded the master planning process. The essential goals of the park master plan are to:

- *Protect, preserve and enhance natural and cultural resources of Howell Territorial Park while maintaining its pastoral quality;*
- *Provide recreational facilities and opportunities which are consistent with the character of Howell Territorial Park and compatible with its natural and cultural resources;*
- *Provide educational opportunities which enhance visitor understanding and appreciation of Sauvie Island's natural and cultural history; and*
- *Serve as an orientation center for Sauvie Island.*

2. Components of the Master Plan

Land Management and Natural Resources

- *Implement a program to control or eradicate invasive species including Himalayan blackberry, reed canarygrass, tansy ragwort and Canadian thistle.*
- *Enhance wildlife use of the site by establishing native shrub and tree plantings adjacent to Howell Lake, fence lines and the Gilbert River.*
- *Create a grove of Oregon white oak trees.*
- *Maintain healthy meadow / pasture through appropriate use of mowing, grazing and fertilization.*
- *Exclude livestock from wetland and riparian areas (subject to existing agreements).*
- *Control livestock access to the Gilbert River dike by installing a gate on the south side of the dike.*
- *Limit cultivation of crops.*
- *Implement a volunteer program to restore (plant) and enhance the orchard including removal of diseased trees, annual pruning and spraying, and control of ground cover.*
- *Any pesticide / herbicide spraying at the park needs to be done in a manner that does not harm wildlife that frequent the park throughout the year.*
- *Monitor water quality of park surface waters.*
- *Encourage natural seasonal water fluctuations in wetland areas.*
- *Acquire adjacent 20 acres on the southeast side of the park for buffer; improve access and other park use.*

Cultural Resources

- *Regularly inspect all components of historic structures and develop a program to provide preventive and corrective maintenance as necessary to assure structural, historic, and aesthetic integrity.*
- *Provide security systems to protect artifact collections.*
- *Conduct an archaeology survey prior to development activities.*

Visual Character

- *Maintain the pastoral and rural quality of the park by limiting facility development as illustrated in the master plan.*
- *Design new facilities to be compatible with the existing structures or screened from their view.*
- *Maintain or enhance scenic views from the park.*
- *Use natural vegetation for visual buffers around utilities.*

Parking / Access

- Request county to install appropriate directional signage from near Sauvie Island Bridge to orient visitors toward the park.
- Create an all weather parking area with capacity for 25 standard vehicles, 2 handicapped vehicles, and 2 buses.
- Install security gates to control vehicle access into the site.
- Provide dry weather parking (turf) for an additional 530 vehicles.
- Install visitor orientation signage at the park.
- Provide separate access to barn area and shelters for maintenance and operations purposes.

Trails

- Provide accessible trails from parking areas to all shelters, restrooms, barn, house, and wildlife viewing areas.
- Construct trails in a manner that allows for use by light equipment for operations and maintenance purposes.
- Locate trails adjacent to or within vegetation buffers where feasible.
- Provide informational displays related to park natural and cultural history and park regulations as necessary.

Table 6, Proposed Trails.

Type	Length
Soft Surface	3,000 linear feet
Hard Surface	1,200 linear feet

Structures

House.

- Consult with the State Historic Preservation Office (SHPO) to determine level of accessibility appropriate for the house.
- Construct a replica of the detached kitchen structure, which was a component of the original house.
- Renovate and secure cellar as a separate outdoor exhibit.
- Convert existing kitchen to a self-guided introductory exhibit.
- Construct ADA accessible path to the south side of the porch.

Barn.

- Remove OHS artifacts from the barn.
- Improve barn to comply with ADA standards.
- Create 300 sq. ft. office.
- Create multi-purpose room with capacity for 60-100 people.
- Improve kitchen for catering.
- Expand and / or upgrade existing museum space.
- Create space for gift and coffee sales.

Finnish Log Cabin.

- Relocate cabin to an off-site location (to be coordinated with OHS).

New Structures.

Table 7, Proposed New Structures

Structure	Amount	Size (s. f.)
Park Admission Booth	1	60
Park Restrooms	2	—
Wildlife Viewing Blinds	4	72
Arbor	1	—
Picnic Shelters (60 person)	1	700
Picnic Shelter (125 person)	1	1,400
Entry Kiosk	1	—
Maintenance Buildings	1	480
Sub-Total	13	4,212

Other Infrastructure Components

- Install irrigation system in public use areas proximate to the house, barn, picnic shelters / restrooms, and parking.
- Upgrade electrical service to accommodate new facilities.
- Upgrade water system to accommodate new facilities.
- Install a pay telephone.
- Upgrade or replace septic system to accommodate new and upgraded facilities.

Operations and Maintenance

- Add planting to the perimeter of the site in remote areas to reduce mowing.
- Configure any new construction or plantings so that mowing can be accomplished with large deck mowers.
- Install shrubs and ground covers on slopes that are difficult to mow with large deck mowers.
- Develop additional gardens only where there is a demonstrated interpretive value and volunteer commitment for maintenance.
- Construct new facilities that are durable and reasonably vandal-proof.
- Remove split rail fencing (not historically accurate).

Security

- Limit access to the park during night times with security gates.
- Add appropriate outdoor lighting.
- Install a public telephone.
- Install a new security system for the house and barn.

6. Compliance with the Purpose of the Exclusive Farm Use Zone District:

MCC 11.15.2002 Purposes

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open

spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 (1995 edition) and the Oregon Administrative Rules Chapter 660, Division 33 (December 1995 edition) as interpreted by this Exclusive Farm Use code section.

Howell Territorial Park employs a variety of uses that are consistent with the general purposes of the EFU district. The land historically has historically been put to use for agricultural purposes. One significant element of the mission of Howell Park is to interpret territorial and early statehood era agrarian life. Grazing, hay production, orchards and farm gardens have been and will continue to be an element of the park use in the near future. Howell Park has been used for public park purposes for more than 30 years without any significant adverse impact on adjoining farm uses. The adopted master plan demonstrates that proposed enhancements of the park will be concentrated in already developed areas and will not substantially reduce the amount of EFU land in the area. As demonstrated below, the proposed Howell Park master plan is not inconsistent with the goal of preserving agricultural lands for agricultural uses.

In addition to preserving agricultural lands, a stated goal of EFU zoning is to preserve and protect scenic wildlife resources. Howell Park is in public ownership as public open space. The majority of the site will remain as public open space throughout the life of the master plan and beyond. The park master plan is predicated upon the assumption that Howell Lake and the wildlife areas will be protected. The plan also envisions the protection of the Bybee-Howell House as a significant historic and scenic resource. For these reasons, the proposed Howell Park master plan is consistent with the purposes maintaining agricultural lands and open space and the conservation of scenic and wildlife resources.

Farm uses in the area adjacent to the park are adversely impacted by two park conditions: the lack of well-maintained farm fencing and the presence of uncontrolled tansy ragwort, blackberries and Scotch broom in park field areas adjacent to area farms. Metro allows Marge Tabor to pasture livestock in park fields. These cows pass through holes in the fence and graze on adjoining farm lands. Weeds on the park property create weed seeds that are spread by the wind and animals onto adjoining farm lands. Adjoining farm owners bear the cost for controlling these weeds on their properties. According to a nearby farmer, tansy is poisonous to cattle that graze on his property.

It appears, however, that the expansion of activities in the park may not have a direct impact on these nuisance conditions. The conflicts between the park and its neighbors occur primarily because the park property is not owned or managed by a commercial farmer. Metro has made a conscious decision not to use pesticides to control the weeds on the property to protect the area ecosystem. Unfortunately, Metro has failed to implement adequate other measures to control weeds.

Additional park improvements may or may not help correct weed conditions and repair and replace farm fences. The new park improvements will allow Metro to attract more paying visitors to the park. New revenues could assist with park weed control. Metro's park plan, however, indicates that additional revenues will be used to reduce the percentage of park funding that comes from Metro and public tax funding. The record also indicates that Metro ultimately plans to remove fences and to

manage its property for wildlife use. In such a setting, it seems unlikely that additional revenues will result in improved weed control or fence maintenance.

7. Uses Permitted in the Exclusive Farm Use Zone District Without Review:

Per MCC 11.15.2006, 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 .2008 through .2014.

MCC 11.15.0010, Definitions, Primary Use, A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Chapter.

A. MCC 11.15.2008(A), Farm use, as defined in ORS 215.203.

Farm use, as a land use activity, includes the "raising, harvesting and selling of crops or the feeding, breeding, management and sale of or produce of, livestock...." [ORS 215.203(2)(a).] Cattle graze a portion of the pasture through an agreement with Mrs. Marge Howell, a descendant of Thomas Howell, who grew up on the property. Metro will honor the agreement with Mrs. Howell through 1999 on the original Howell Park lands and until the year 2003 on the recently purchased twenty acres. At that time Metro has the option of continuing the grazing agreement annually.

Other farm use activities occurring on-site include the cultivation of an apple orchard and pressing apples into juice as well as some hay production. Metro does not allege that the dominant use of the property is farm used, as defined by ORS 215.203, however, limited farm use activity occurs and may continue to occur on-site as Metro implements the master plan. As described above, a primary purpose of Howell Park has been and will continue to be the conservation and protection of wildlife resources consistent with MCC 11.15.2002.

B. MCC .2008(B), Buildings other than dwellings customarily provided in conjunction with farm use.

The park includes an historic house and a barn, both of which are customarily provided in conjunction with farm use. Other buildings will be subject to the conditional use approval criteria below and are accessory to park use.

8. Uses Permitted in the Exclusive Farm Use Zone District Subject to Conditional Use Approval:

Per MCC 11.15.2012, Conditional Uses, The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC .7105 to .7135:

A. MCC .2012(E), Parks, playgrounds or community centers owned and operated by a governmental agency.

Howell Territorial Park is owned and operated by Metro, a governmental agency. Howell Park may continue to operate and may expand its operations subject to county conditional use review and approval.

Staff: Outside of the farm uses listed above, proposed development, described in detail under Finding 5, are park related and, therefore, are subject to Conditional Use approval.

- B. MCC .2012(M), Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

No new parcels will be created as a result of improvements to any public right-of-way.

9. Accessory Uses Permitted in the Exclusive Farm Use Zone District:

Per MCC 11.15.2014, Accessory Uses, The uses or structures incidental and accessory to the uses permitted under MCC .2008 through .2012 are:

- A. MCC .2014(A), Structures such as garages, carports, studios, pergolas, private workshops, barns, loafing sheds, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;

Accessory uses incidental and accessory to primary uses (MCC .2008), uses permitted under prescribed conditions (MCC .2020), and conditional uses (MCC .2012) are allowed in the EFU zone. The barn and maintenance areas are used for both agricultural and park purposes. The proposed outdoor kitchen and cellar are accessory structures used in association with the Bybee-Howell House. The public entry booth, parking area, picnic shelters, new restrooms and wildlife viewing areas are uses in conjunction with park use. [See Exhibit 8, Proposed Site Plan.]

- B. MCC .2014(B), Structures or fenced runs for the shelter or confinement of poultry or livestock;

Perimeter fencing along the eastern side of the site is used for management of cattle within the site itself. Fencing along the northern and southern sides of the site prevents errant cattle from entering the site.

Hearings Officer: The property is fenced on the north and south boundaries but the fencing is poorly maintained. Cattle are able to pass through the fence onto adjoining farm properties. Cattle from adjoining farms may also, therefore, be able to pass through the fence and enter Metro property where they may be poisoned by eating tansy that grows in Metro fields.

- C. MCC .2014(C), Signs, pursuant to the provisions of MCC 11.15.7902 through .7982;

There are presently two signs on site, both near the park pedestrian entry. Additional

park informational and directional signs will be placed in the future entry and parking area. [See additional discussion of compliance with MCC .7902 – 7982 below.]

D. MCC .2014(D), Off-street parking and loading pursuant to MCC 11.15.6100 through .6148.

The master plan envisions a paved parking area for 27 vehicles and two buses at the park entry. Overflow turf parking for special events, such as "Wintering-In" are proposed to accommodate 530 vehicles in the fields to the north and south of the entry road.

Staff: Compliance with off-street parking and loading requirements is addressed under Finding 18.

Hearings Officer: The park master plan shows that Metro expects to park 605 vehicles in the overflow and event parking areas. An additional 27 vehicles and two buses may be parked in the improved parking area proposed by Metro.

10. Compliance With MCC 11.15.2016, EFU Dimensional Requirements:

A. MCC .2016(A), Except as provided in MCC .2018, the minimum lot size for new parcels shall be 80 acres in the EFU district.

The site is 93 acres and exceeds the minimum lot size of 80 acres by 13 acres.

Staff: No new parcels are to be created as a result of this application.

B. MCC .2016(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.

Howell Park Road bisects the park. If the street were vacated the additional land would accrue to the park, not to adjacent lands.

C. MCC .2016(C), Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Exhibit 2, Existing Conditions, illustrates that park site exceeds the minimum yard dimension standards. No present or proposed structure exceeds 35 feet. The front lot line exceeds 50 feet.

Staff: The location of the proposed maintenance building, as illustrated on the site plan (Exhibit 8), does not appear to satisfy the yard requirements. However, there is more than adequate area on-site to locate this structure in full compliance with these requirements.

- D. **MCC .2016(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.**

The pre-application conference notes do not indicate that additional yard is required.

- E. **MCC .2016(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.**

The maximum structure height allowed in the zone is 35 feet. Any new structure shall comply with this standard.

11. Compliance With MCC 11.15.2018, EFU Lot, Parcel, and Tract Requirements:

Per MCC 11.15.2018(A) The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Lot or Parcel of Record Dwellings: MCC 11.15.2010(E), MCC 11.15.2012(O) or MCC 11.15.2012(P). For the purposes of this district, a lot, parcel or tract is defined as:

(1) A lot or parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors: and**
- (b) Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and**
- (c) Which satisfies the minimum lot size requirements of MCC .2016**

* * *

MCC 11.15.2018(C) establishes that a lot, parcel or tract which satisfies the applicable requirements of MCC .2018 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

See Exhibit 3, Proof of Ownership. This land use application establishes compliance with the requirements of MCC. 2018 and other applicable requirements of the EFU district.

Staff: The property configuration illustrated as Tax Lot 100 (Exhibit 4) corresponds with that which was approved with property line adjustment case #PLA 8-96, issued August 9, 1996 (see Exhibit 9). As discussed in the PLA decision, the adjustment authorized the creation of a 101.54 acre parcel, well in excess of the 80 acre minimum parcel size listed under MCC .2016. The PLA decision also contains the findings necessary to establish that the adjustment satisfied applicable land division and zoning ordinance requirements. Unfortunately, the deed submitted (Exhibit 3) does not describe the property as in its approved configuration. A copy of such a deed is needed to establish compliance with Exclusive Farm Use Lot, Parcel, and Tract requirements.

12. Compliance With MCC 11.15.2026, EFU Access Requirements:

Per MCC 11.15.2026, Access, Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Howell Territorial Park abuts Sauvie Island Road on the west and is bisected by Howell Park Road. Both roads are improved public rights-of-way. The Multnomah County Rural transportation Plan classifies Howell Park Road as a 'rural local road' with 20-foot pavement width and no shoulders. [See Exhibit 10, Traffic Study for additional street characteristics.]

Hearings Officer: The applicant's traffic report and the comments of the County's Transportation Division establish that the intersection of Howell Park Road requires improvements to provide safe and convenient access for vehicles to the park property. On page 6, the Kittelson traffic study concludes "[t]o accommodate at a minimum school buses accessing the park, the NW Howell Park Road approach to NW Sauvie Island Road will need to be widened slightly." Ed Abrahamson of the Transportation Division of Multnomah County states that a turn lane "should be constructed at the intersection of Sauvie Island Road and Howell Park Road and the roadway along the Howell Territorial Park frontage should be widened."

Mr. Abrahamson's recommendation is based on the tremendous number of vehicles that use the park entrance when major events are held on the property. The approval of this application will make the park suitable for large event use. The turning movements of vehicles entering and leaving the park create the need for the road widening and turn lane improvements recommended by Mr. Abrahamson. The improvements minimize the amount of delay caused by turning vehicles at the intersection and increase safety by getting vehicles out of the travel lane when slowing and stopping to make a turn into the park road (NW Howell Park Road). The park is virtually the only user of NW Howell Park Road. A few area farms use the road but the event traffic of the park clearly constitutes the vast majority of the peak use traffic on the road. No improvements are needed to serve the farm uses. Improvements are needed to accommodate school buses associated with the park use and for the large event traffic generated by large special event traffic. Since Metro's peak use traffic creates the need for the improvements, it is Metro that should pay for the improvements. The County's proposed conditions of approval, therefore, are less than "roughly proportional" to the impact of the park use on the County's public road infrastructure. Metro claims that its use will generate a very small percentage of all traffic on Sauvie Island Road. While this may be true, its peak use of the road poses major problems to the safe operation of the traffic system. It is clear from the Metro park master plan that Metro intends to hold more major events and gatherings at the Park than at present. This will only increase the need for road improvements. It is Metro's proposal that large buses park on its property. It, therefore, should provide adequate room on that road for buses to make the turn onto and from NW Howell Park Road. Without these improvements, the hearings officer cannot find that the Metro access is safe and convenient for vehicles.

Oregon law requires the hearings officer to approve this application if it is possible to do so by the imposition of reasonable conditions of approval. Metro staff claims that Metro policy prohibits Metro from providing road right-of-way to the County without payment for the land. If this reading of the policy is correct and Metro is unwilling to make the reasonable and needed contributions requested by

the County, it is not possible for the hearings officer to assure compliance with the cited approval criterion through the imposition of conditions of approval.

13. Compliance with the Purpose of the Conditional Use Section of the Zoning Ordinance:

11.15.7105 Purposes

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

Howell Territorial Park combines a mixture of permitted agricultural uses and park activities. The focus of the park use is to interpret the settlement and agrarian history of the site and to protect and interpret the natural history of Sauvie Island. ~~This application demonstrates that the proposed master plan is consistent with the comprehensive plan, the Sauvie Island Rural Area Plan and the relevant development code approval criteria.~~

14. Phased Development Timeline as an Alternative to the Two Year Fixed Timeframe Listed under MCC 11.15.7110:

MCC 11.15.7110(C)(2), General Provisions, establishes that except as provided in MCC .7330, the approval of a Conditional 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 the Approval Authority establishes an expiration date in excess of the two year period

Sub-section (C)(2) establishes an expiration date in excess of the two-year period through approval of a phased development. The Howell Park master plan envisions five (5) phases of development over a ten (10) year period. [See Table 8, Implementation Phases.] Metro hopes to implement Phases I and II by the end of the year 2000. Metro hopes to implement the remaining phases (III – V) roughly two years apart. The exact duration of each phase will be dependent upon funding. [See also Exhibit 8, Proposed Site Plan, Phasing.] Metro anticipates that the total project cost will be approximately \$4,151,830.¹

Each phase of the project may be subject to Multnomah County Design Review approval. Individual applications for design review shall be submitted for each phase of the project and shall demonstrate compliance with all master plan conditions of approval. Grading and erosion control permits will accompany each design review request, as required.

Table 8, Master Plan Phases

Activity	Phase I 2000	Phase II 2000	Phase III 2002	Phase VI 2004	Phase V 2006
Parking Area – 27 cars	X				
Public Restroom	X				

¹ Phase estimated costs are: Phase I = \$221,347; Phase II = \$687,307; Phase III = \$463,039; Phase IV = \$2,468,975; and Phase V = \$320,162.

Activity	Phase I 2000	Phase II 2000	Phase III 2002	Phase VI 2004	Phase V 2006
Septic & Drain field	X				
Water Line Extension	X				
Electrical Extension, Phone	X				
Hard Surface Trails		X			
Porch Access		X			
Fencing at House		X			
Irrigation		X			
Signage		X			
Utilities: Well upgrade, water line and electrical to shelters & irrigations		X			
Interpretives: Picnic shelters, exterior sign base Structure, core trail		X			
Shelters: two 60 person and one 120 person		X			
Ticket Booth		X			
Landscaping and Stone Entry		X			
Exhibits: Bybee-Howell House			X		
Soft Surface Trails			X		
Wildlife viewing Area			X		
Scenic Mitigation / Habitat Restoration			X		
Interpretives: Wildlife trail, flip book			X		
Kitchen Garden			X		
Curricular			X		
Barn: Renovation, Elevator and Exhibits				X	
Outdoor: Kitchen, Fireplace & exhibits				X	
Water line and electrical				X	
Maintenance Access & Parking				X	
Maintenance Building: Water & electrical lines					X
Septic System					X
Electrical Line to Maintenance Building					X

15. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:

Per MCC 11.15.7120(A) In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

A. MCC .7120(A)(1), Is consistent with the character of the area;

~~For purposes of conditional use review, the 'area' shall be defined as a radius of 1/4 mile around the perimeter of the site. To the west lie NW Sauvie Island Road and dike and the Multnomah Channel. To the north and south lie agricultural lands and wetlands. To the east lie the Gilbert River, agricultural lands and additional wetlands.~~

Sauvie Island is a rural landscape, the general character defining features of which include agricultural production, such as dairy cattle, nurseries, truck gardening, pasture and grazing. There are several commercial nurseries and farm produce businesses on the

southern end of Sauvie Island. The Sauvie Island Wildlife Refuge is a significant natural resource that provides wildlife habitat, cover and breeding ground. Commercial activity on the island is limited and includes a small grocery store, several farm produce stands, three (3) dogs kennels, and other small-scale business activities. Community services on the island are limited and include a fire hall, a grange and a school building.

Recreational activities are a significant element of the character of the island. Public swimming beaches line the eastern side of the island drawing thousands of bathers during warm summer days. Bird-watchers are attracted to the wildlife refuge for the spectacular seasonal viewing opportunities. Hunters gather from mid-October through early January to hunt waterfowl on private lands. Bicycling along the level island roads is becoming a significant recreational activity. Multnomah County encourages bike use of the island. During harvest seasons, the produce gardens attract thousands of urban berry pickers, flower gathers, and seekers of fresh garden produce. During the fall at least one of the produce farms attracts thousands of school children and adults looking for the perfect pumpkin.

The Howell Territorial Park attracts day use visitors in the summer months and school field trips to the Bybee-Howell House. Museum hours are from June through September between 12:00 noon and 5:00 PM. The park is used intermittently for living history workshops. The largest single event at the park is 'Wintering-In', an event sponsored by the OHS in early fall. It is a celebration of settlement era agrarian life on Sauvie Island. Several thousand visitors attend the annual three-day event.

Howell Territorial Park has been an integral park of island life since 1962. The restoration of the Bybee-Howell house in 1969 is a symbol of the commitment of government and volunteers to protect and interpret territorial agrarian life, customs, architecture and the landscape in which that development grew. Howell Park both reflects the island character and is one of the character defining elements of Sauvie Island.

The proposed park master plan, at its core, seeks to preserve the natural character of the site by protecting and enhancing wetlands, making wildlife viewing accessible, providing for increased opportunities for picnicking and learning, and restoring and interpreting the historical landscape. Agriculture will remain a part of the use of Howell Park for several years to come. Peak visitation times will occur during summer and early fall weekends when farm related traffic is at its lowest and recreational traffic rises. Essentially, the park will mirror the current ebb and flow of life on the island.

For these reasons, the uses proposed by the proposed conditional use master plan are consistent with the character of the area.

B. MCC .7120(A)(2), Will not adversely affect natural resources;

Howell Lake, on the eastern side of the park, is one of two significant open water areas on the island. As part of the Goal 5 survey and inventory process, the County identified additional riparian areas adjacent to the lakes and nearby wetlands as significant natural

resources. Howell Lake and the adjacent wetlands received a rating of 47 points. The lake currently receives limited human use by bird-watchers and visitors to the park. The inventory does not identify any other significant Goal 5 natural resources on site.

The master plan does not propose any significant development adjacent to these identified natural areas. The plan proposes to create defined soft trails towards Howell Lake and the wetlands for the purpose of enhancing wildlife viewing opportunities. The trails will help control and define areas for pedestrian movement as opposed to the present system of self-directed wandering. The master plan also envisions creating one wildlife viewing area during Phase III that will help control human impact upon the lake and wetlands.

Metro has positioned the wildlife viewing area to optimize opportunities to observe waterfowl on or near Lake Howell while at the same time with the minimal amount of disturbance of wildlife habitat or disruption of wildlife activity. Consequently, the trails and viewing area are located outside of the Howell Lake 50-foot wetland buffer area. Metro believes that the proposed trail and viewing area configuration will not adversely affect natural resources and will also enhance the public's appreciation of water-fowl and their habitat.

Therefore, the proposed master plan will not have an adverse impact upon identified Goal 5 natural resources.

Staff: Overflow parking is to occur on grassed areas to either side of Howell Park Road as illustrated on the applicant's parking and loading plan (See Exhibit 11). Such parking is to occur in close proximity to wetland areas illustrated on the applicant's various site plans and delineated in a report prepared by Shapiro and Associates, dated January 21, 2000 (see Exhibit 12). Heavy use of overflow parking areas could compact soils, damaging the turf and increasing soil erosion, a condition that would adversely impact adjoining wetlands. Use of overflow parking areas during wet weather months could also damage the turf and increase erosion.

The applicant's response to this issue is listed under item #3, of a letter dated April 18, 2000 (see Exhibit 13). Specifically, they indicate that overflow parking areas are to be used primarily in the summer months, on weekends and for limited special events.

Provided the use of these areas is limited, as indicated by the applicant, we concur that such parking will not adversely impact adjoining wetlands.

Hearings Officer: The hearings officer is not firmly convinced that, given Metro's poor track record in field "maintenance," that Metro will be a better steward of the wetlands that are located immediately adjacent to and downhill from the overflow (as opposed to special event) parking area.² If the parking area use is not properly monitored, there is a potential for contamination of the immediately adjoining wetland. For instance, car or motor home camping in the parking area near the wetland would present some risk of

² In fairness, the hearings officer must acknowledge that the County was responsible for the condition of the park fields until the mid-1990s. The weed problem has not, however, been addressed during the time the land has been in Metro's ownership.

contamination by human wastes as the restroom facilities are found a considerable distance from this area. Vehicles that leak oil will leave oil on the land close to the wetland. The County, therefore, should consider imposing conditions of approval to address this issue if the application is ultimately approved.

C. MCC .7120(A)(3), Will not conflict with farm or forest uses in the area;

There are no forest uses within the 1/4 mile study area. Exhibit 14, Impact Area, illustrates the location of current farm zoning districts and uses within the 1/4 mile study area. Farm uses occur to the north, east and south of the park. To the west is Multnomah Channel. The nearby commercial farm uses include grazing, hay production, nursery stock, and farm produce.

Metro currently allows grazing on the park site through a lease with Mrs. Howell. The lease expires in 2003 but may be renewed. The park operators also mow the large grass fields that are the north and south special events parking areas. In addition, Howell Park includes an apple orchard behind the Howell House. The orchard is planted with heritage species that were commonly grown during the settlement era. Annually, the apples are pressed during the Wintering Festival. Grazing and orchard activities are consistent with farm uses in the area.

The park interprets the farming history of Sauvie Island. It presently allows farm use activities on site and may continue to do so after the year 2003. During the life of the park, there have been no recorded conflicts between nearby farm uses and park uses.

Recreational use of the park occurs primarily during the summer weekends and will continue along this trend through the master planning period. ~~As discussed in the traffic analysis prepared by Kittelson and Associates (see Exhibit 10), the non agrarian use of the park will not interfere with present or projected farm use of the road system. The natural resource management activities planned will stabilize and enhance the wetlands and will continue to prevent cattle grazing in the riparian areas of Howell Lake and the Gilbert River.~~

~~For these reasons, the Howell Territorial Park master plan will not have an adverse effect upon forest or farm uses in the area.~~

Hearings Officer: Metro has failed to analyze the impact of its special event traffic on area farmers who use Howell Territorial Road for access to their properties. It is possible that these large events could disrupt farm operations. Without evidence on this issue, the hearings officer is unable to find that the increase of special events and large gathering traffic will not conflict with area farm use.

The hearings officer also finds that the park use itself conflicts with area farm use due to lack of fence maintenance and weed control. Weed control is already a part of the Metro plan for the property but there is little evidence of any significant weed control efforts. Whether the park expansion proposed by this application causes any change to this existing conflict is not known and should be addressed by Metro if and when this decision

is appealed.

- D. MCC .7120(A)(3)(a), Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

There are no known forest practices occurring on adjacent forestlands. Accepted farm practices on surrounding lands include grazing, nursery stock and farm produce fields. There are no recorded conflicts between these uses and the current park use. The proposed park master plan will help control pedestrian movement around the park, thereby reducing the risk of park visitors inadvertently crossing over onto surrounding farm lands. All roads around the site operate within adopted County parameters. The traffic analysis confirms that implementation of the proposed master plan will not cause any farm road system to operate inefficiently. The park will not produce glare, noise, dust, emissions or other trans-border effects that will significantly affect surrounding farm uses.

~~*For these reasons, the Howell Territorial Park master plan will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.*~~

Hearings Officer: This code requirement and the requirement found in .7120(A)(3)(b) mirror ORS 215.296 and OAR 660-033-0120/-0130(5), State laws that apply to certain uses in the EFU zone. The County code and state law require a specific type of analysis, based on detailed facts regarding area farm uses, that has not been conducted by Metro. As the factual basis for the analysis has not been provided, the hearings officer is unable conduct the needed analysis. This lack of evidence and analysis is the primary reason the hearings officer must deny this application.

The hearings officer raised this issue at the hearing and requested that Metro address this deficiency. Metro did not, however, provide the needed information and analysis during the post-hearing comment period. If Metro wishes to obtain an approval that will be upheld by LUBA on appeal (if the application is approved by the Board of Commissioners and an appeal to LUBA is filed), it must correct this deficiency in its application.

The following discussion of the law and application illustrates the deficiencies that exist in the application at this time:

In order to establish compliance with ORS 215.296's requirement that approval of the park not force a significant change in accepted farm practices on surrounding lands devoted to farm use nor significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use, Metro and the County must do the following:

- A. Identify the accepted farm practices occurring on surrounding farm land. Turner Community Association v. Marion County, ___ Or LUBA ___ (LUBA No. 99-024, 12/16/99); Schellenberg v. Polk County, 21 Or LUBA 425, 440 (1991). The Metro analysis identifies the adjoining farm uses but it fails to identify farm practices. Farm practices are activities that occur on the property that occur to allow farm use to occur. These are such things as the ground and aerial application of pesticides and herbicides,

irrigation of fields, field plowing, movement of farm machinery on the farms and on area roadways, disposal of animal waste, fertilizer application to fields, crop harvesting, pasture cultivation and other similar activities. These activities should be identified for each surrounding parcel.

- B. Analyze the use proposed park expansion and determine its likely impacts on all adjoining farm properties.
- C. Determine whether the impacts will cause a significant change in farm practices or significantly increase farm costs.
- D. Explain why identified farm practices will not be significantly affected by the park expansion rather than simply stating they will not be affected. Turner Community Association v. Marion County, ___ Or LUBA ___ (LUBA No. 99-024, 12/16/99); McNulty v. City of Lake Oswego, 14 Or LUBA 366, 373 (1986).

In making these findings, Metro and the County must make its findings of compliance with ORS 215.296(1) for commercial and noncommercial farm uses alike. Metro's findings reference commercial farm uses only. It is unknown by the hearings officer whether all surrounding uses are commercial in nature or if Metro's proposed findings exclude noncommercial farm uses from their analysis of adjoining lands. Turner Community Association v. Marion County, ___ Or LUBA ___ (LUBA No. 99-024, 12/16/99); O'Brien v. Lincoln County, 31 Or LUBA 262, 265-66 (1996)(findings that addressed only commercial farm uses violate the substantively identical requirement of OAR 660-033-0130(4)(C)(A)).

The County also must not rely upon the absence of information of conflicts in the record to conclude there will be no adverse impact. Just Co. v. Linn County, 32 Or LUBA 325 (1997). Metro's proposed finding that "[t]here are no recorded conflicts between these uses and the current park use" alone is inadequate to establish no impact.

It is also noted that ORS 215.283(2)(d) allows parks "operated primarily by and for residents of the local rural community." It also says that a public park may be established consistent with the provisions of ORS 195.120. This park is not operated primarily by and for Sauvie Island residents. Metro has not submitted a discussion of and findings of compliance with the requirements of ORS 195.120 for the park expansion. This information should be provided if this denial is appealed to the Board of Commissioners, as expected by the hearings officer.

- E. MCC .7120(A)(3)(b), Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

~~Implementation of the Howell Territorial Park master plan will not increase the cost of public services for farm practices. The potential traffic increases generated by the expansion will occur on weekends, when commercial farm activities are low. Therefore, farmers hauling goods and materials on island roadways will not experience significant transportation delay or increased costs related to traffic delay.~~

~~For these reasons, the Howell Territorial Park master plan will not significantly increase the cost of accepted farm practices on surrounding farmlands.~~

Hearings Officer: These proposed findings are clearly inadequate for the reasons discussed above. It is the hearings officer's understanding that farm operations occur seven days a week. Crops and animals require care everyday. It might be that deliveries to farms are less frequent on weekends to certain types of farms but this has not been convincingly demonstrated.

F. MCC .7120(A)(4), Will not require public services other than those existing or programmed for the area;

Public services in the area include: sheriff and fire protection, electricity, schools and roads. Water is pumped from existing wells on-site. Sanitation is handled by an on-site septic system. The incremental changes proposed during the phased master plan will not result in an increased demand for sheriff and fire protection. [See Exhibit 15 and 16, Service Provider Forms.] There is an existing single-phase power source near the south side of the Bybee-Howell House that extends to the house, the barn and pumps. During phases I, II and V, Metro will extend power to the parking area and tollbooth, [and] the picnic shelters... [See Exhibit 7, Utility Plan.] The park will not generate any demand for school services. The traffic analysis indicates that implementation of the master plan will not create a need for improvements to the island road system.

During phases I and II, Metro will extend the on-site water supply to the picnic shelters. The barn will receive enhanced water service... Metro will extend the septic drain fields in phase I for the picnic shelters, in phase IV for the barn...

~~*For these reasons, the Howell Territorial Park master plan will not require the expansion of public services not already programmed or planned.*~~

Staff: The Multnomah County Transportation Division has indicated that Sauvie Island Road is substandard, having insufficient width and right-of-way for its functional classification (see Exhibit 17). Having reviewed this application, they are requesting that the applicant provide a ten foot right-of-way dedication where the subject property fronts this roadway along with a five foot slope/utility/landscape and drainage easement. A 25 foot radius dedication is being requested at the intersection of Sauvie Island Road and Howell Park Road, for a future turn pocket into the park, if needed. Deed restrictions are also being requested committing the property owner to participate in future right-of-way improvements adjacent to Sauvie Island Road.

Hearings Officer: Metro's own traffic analysis shows that some road widening is required by the proposed use. Metro has failed to show that the widening and road improvements needed to serve the use are "programmed" for the area.

G. MCC .7120(A)(5), 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;

The project is located outside a big game winter habitat area as defined by the Oregon

Department of Fish and Wildlife.

H. MCC .7120(A)(6), Will not create hazardous conditions;

Hazardous conditions might include fire, earthquake damage, landslide, flooding, hazardous materials or traffic related problems. The park is within the rural fire protection area. The fire district can accommodate the proposed park expansion over the planning period. The contours of the site are flat and there is no known likelihood of slide related damage. Building constructions must comply with all applicable seismic requirements and life safety codes. The park is outside the Flood Hazard overlay area. Metro will not generate any hazardous materials as a result of the park expansion and all use of pesticides, herbicides or other toxic materials will comply with local regulations and the manufacturer's specified recommendations. The traffic analysis indicates the implementation of the master plan will not create hazardous traffic conditions. There are no recorded incidences of hazardous conditions on-site.

For these reasons, implementation of the Howell Territorial Park master plan will not create hazardous conditions.

Staff: The traffic study (Exhibit 10) contains a Transportation Management Plan for special events where 300 or more participants are anticipated. Due to the impacts that such events will have on County roads, our Transportation Division has indicated that implementation of the Transportation Management Plan should be required. Additionally, the Transportation Division has indicated that a special events permit is needed when such events require traffic controls (see Exhibit 17).

Hearings Officer: The traffic study was based on the 500 overflow and special event parking spaces identified in the land use application. The Master Plan indicates that the areas proposed for overflow and special event parking will accommodate 605 vehicles. It is the larger number that should have been analyzed, in the absence of evidence to explain this discrepancy. As the Wintering-In Festival attracts over 2,000 visitors per day, it is possible that Metro may need 605 vehicle parking spaces for this event.

I. MCC .7120(A)(7), Will satisfy the applicable policies of the Comprehensive Plan;

Staff: This requirement has been addressed under Findings 20 and 21.

16. Willamette River Greenway Permit Not Required:

MCC 11.15.6350 Purposes

The purposes of the Willamette River Greenway subdistrict are to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River; to implement the County's responsibilities under ORS 390.310 to 390.368; to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

* * *

11.15.6354 Uses – Greenway Permit Required

All uses permitted under the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use, except as provided in MCC .6358, shall be subject to a Greenway Permit issued under the provisions of MCC .6362.

* * *

11.15.6358 Exceptions

A Greenway Permit shall not be required for the following:

- * * *
- (F) Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;

MCC 11.15.6300 et seq. provides for changes or expansion of uses within the Willamette River Greenway (WRG) that are consistent with adopted approval criteria and purpose of the WRG. The primary purposes of the WRG include the protection, conservation, enhancement, and maintenance of the natural, scenic, historical, agricultural, economic, and recreational qualities of lands within the WRG.

The first stated goal of the Howell Territorial Park master plan is to "Protect, preserve and enhance the natural and cultural resources of Howell Territorial Park while maintaining its pastoral quality." An additional primary goal is to provide recreational facilities and opportunities that are consistent with the character of the park and compatible with the natural and cultural resources of the area. Therefore, the purposes of the WRG and the Howell Territorial Park overlap and are consistent.

Howell Territorial Park is a 'public land' because it is owned by Metro, a public institution, and is open to the public for the use and enjoyment of the public. Howell Park has been held as public land since 1962. Table 9, WRG Exemption, analyzes why the implementation of the proposed master plan is exempt from WRG review.

Every activity proposed in the master plan will conserve, enhance, or maintain a recreational, scenic, historical, or natural aspect of the WRG and Howell Territorial Park. Therefore, the implementation of the park master plan is exempt from WRG review.

Table 9, WRG Exemption

Activity	Conserve & Protect	Enhance	Maintain	Recreation	Scenic	Historical	Natural
Parking Area – 27 cars		X	X	X			
Public Restroom		X		X			
Septic & Drain field		X		X			
Water Line Extension		X		X			
Electrical Extension, Phone		X		X			
Hard Surface Trails		X		X	X		X

Activity	Conserve & Protect	Enhance	Maintain	Recreation	Scenic	Historical	Natural
Porch Access	X	X		X		X	
Fencing at House			X		X	X	
Irrigation		X		X	X		
Signage		X	X	X	X	X	X
Utilities: Well upgrade, water line and electrical to shelters & irrigations		X		X			
Interpretives: Picnic shelters, exterior sign base Structure, core trail		X	X	X			
Shelters: two @ 60 per. and one @ 120 per.		X		X			
Exhibits: Bybee- Howell House		X	X			X	
Ticket Booth		X		X			
Landscaping and Stone Entry		X		X	X	X	X
Soft Surface Trails		X		X	X		
Wildlife viewing Area	X	X	X	X			X
Scenic Mitigation / Habitat Restoration	X	X	X	X	X		X
Interpretives: Wildlife trail, flip book		X		X			X
Kitchen Garden		X				X	
Curricular		X	X	X	X	X	X
Barn: Renovation, Elevator and Exhibits		X		X		X	X
Outdoor: Kitchen, Fireplace & exhibits		X				X	
Water line and electrical		X		X			
Maintenance Access & Parking		X		X			
Maintenance Building: Water & electrical lines		X		X	X		X
Septic System	X	X		X			X
Electrical to Maintenance Building		X		X	X	X	X

17. Significant Environmental Concern Permit Not Required:

MCC 11.15.6400 Purposes

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures

for the development, change of use, or alteration of such features or of the lands adjacent thereto.

* * *

11.15.6404 Uses – SEC Permit Required

- (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit.
- (B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

11.15.6406 Exceptions

An SEC permit shall not be required for the following:

* * *

- (E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

Throughout the application Metro has demonstrated that the primary goals of the Howell Park master plan are to protect, conserve, enhance, restore, and maintain significant natural and man-made features that are of public value. Among the resources effected by implementation of the master plan are: Howell Lake and associated wetlands and riparian areas, the park and Bybee-Howell House as tourist attractions, potential archaeological sites, and the rural scenic values.

Implementation of the master plan will result in greater protection of significant natural resources, i.e., Howell Lake and its associated wetlands. It will offer both greater protection and additional interpretation of the historic Bybee-Howell House. The master plan seeks to define the limits of public access to sensitive natural resources while enhancing the public's appreciation of those resources. For these reasons implementation of the Howell Park master plan is consistent with the purpose of protection, conservation, enhancement, restoration, and maintenance of significant natural and man-made features that are of public value.

The pre-application conference notes indicate that an SEC permit may be required for removal of the Finnish Cabin. The cabin was constructed as part of an exhibit prepared by the OHS after 1969 and therefore, does not contain materials of an archaeological or pre-historical nature. The question is whether the Finnish Cabin contains information of an historical or anthropological nature. The County Goal 5 inventory historic resources does not recognize the Finnish Cabin as a significant historical resource, nor is this reproduction log cabin associated with any areas of known anthropological significance.

Therefore, because the Finnish Cabin is a modern era reproduction of a log cabin used for interpretive purposes and because the cabin is not known to have any archaeological, historical, pre-historical or anthropological significance, removal of the Finnish cabin is not subject to review under the provisions of MCC 11.15.6400.

As discussed above in response to the criteria pertaining to the WRG, an essential goal of the Howell Park master plan is to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands. All of the proposed activities identified in the master plan are designed to accomplish this goal. Therefore, implementation of the Howell Park master plan is exempt from the provisions of MCC 11.15.6400.

18. Compliance With MCC 11.15.6100, Off-Street Parking and Loading Requirements:

- A. MCC .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.**

The applicant has prepared an off street parking and loading plans that illustrates compliance with the provisions of MCC.11.15.6100 and therefore, satisfies the multiple goals of this Section.

- B. MCC .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.**

The applicant proposes constructing several new structures and intensifying the park use. Therefore, this application is subject to the requirements of this Section.

- C. MCC .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.**

Exhibit 11, Parking and Loading Plans, illustrates the lot dimensions, access and circulation layout for vehicles and pedestrians, space markings, setbacks, and abutting land uses with respect to off-street parking in satisfaction of this sub-section. The Parking and Loading Plans demonstrate that the proposal can satisfy the requirements of this section. As discussed in the pre-application conference notes, detailed illustrations demonstrating how the applicant will meet the requirements of this section will follow as part of Design Review.

- D. MCC .6114(A), Improvements Required, Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC .8725, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.**

MCC .6114(B) establishes that any such bond shall include the condition that if the

improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Counsel.

The applicant shall comply with these requirements.

F. MCC .6130(A), Dimensional Standards, Parking spaces shall meet the following requirements;

- 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.
- 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.
- For parallel parking, the length of the parking space shall be 23 feet.
- Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

MCC .6130(B), Aisle width shall be not less than:

- 25 feet for 90 parking,
- 20 feet for less than 90 parking, and
- 12 feet for parallel parking.
- Angle measurements shall be between the center line of the parking space and the center line of the aisle.

MCC .6130(C), Loading spaces shall meet the following requirements:

- | | | |
|------------|---------------|---------------|
| • District | Minimum Width | Minimum Depth |
| All Others | 12 Feet | 25 Feet |
- Minimum vertical clearance shall be 13 feet.

Exhibit 11, Parking and Loading Plans, illustrates compliance with these standards.

G. MCC .6132(A), Improvements, Surfacing, 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.

Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

The applicant proposes to develop one all weather parking area north of Howell Road as shown on Exhibit 8, Proposed Site Plan, and Exhibit 11, Parking and Loading Plans, in conformity with the design criteria of this sub-section.

The applicant proposes to continue to use two parking fields for intermittent use as described in response to MCC.6130 above. Although the applicant traditionally provides supervised parking during special events, the traffic analysis suggests that temporary space marking on the grass during special events would improve traffic and pedestrian safety.

Therefore, the applicant shall provide parking facilities as identified on the Parking and Loading Plans and as discussed in the traffic analysis in satisfaction of these criteria.

Staff: The applicant is proposing a porous pavement, reinforced gravel surface for the new parking lot. The specifications for such surfacing are detailed in the document titled Gravelpave² (Exhibit 18). Essentially, this type of surfacing consists of a mat containing a large number of molded plastic cups, called paving units, placed over a sandy gravel base and filled with clean gravel. The load capability of each paving unit is 5,700 psi, therefore, the 4,000 pound wheel load requirement will be satisfied. Provided clean gravel is used, a dustless surface will be achieved. Since these paving units are cupped and placed close together, gravel will be contained, and wear down to a dirt surface should not occur. Given these factors, the applicant has satisfied this criterion.

- H. **MCC .6132(B), Curbs and Bumper Rails, 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.**

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.

Parking is not proposed near a lot line or required fence. To minimize potential erosion impacts, the down slope side of the paved parking area will sheet drain directly towards the drainage swale. See Exhibit 11, Parking and Loading Plans.

- I. **MCC .6132(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.**

The applicant will mark the permanent all-weather parking spaces and provide temporary space markings on the grass fields used during special events.

- J. **MCC .6132(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.**

Grading and drainage is not required for temporary grass fields used for intermittent special event parking. The applicant shall provide grading, erosion control, and drainage plans for the all-weather parking area at the time of application for Design Review approval for Phase I.

Staff: New parking and maneuvering areas are considered in the applicant's drainage

analysis (Exhibit 19).

- K. MCC .6132(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.

The applicant is not proposing to construct covered walkways. Therefore, this sub-section does not apply.

- L. MCC .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.

The applicant will light the all-weather permanent parking area in conformance with this sub-section. The applicant will provide detailed information on lighting type, location and intensity during Design Review.

- M. MCC .6136, Signs, pursuant to the provisions of 11.15.7964.

Staff: Compliance with sign standards is addressed under Finding 19.

- N. MCC .6138, Design Standards: Setbacks

- 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.
- A parking or loading area not in a residential or office district listed in MCC .2002 through MCC .2966, but which adjoins such district along the same street shall not be located closer to the street property line than the required setback of the adjoining district for a distance of 50 feet from the boundary of any such district.
- A parking or loading area not in a residential or other district listed in MCC .2002 through MCC .2966, but which is across a street from such district, shall have a setback of not less than five feet from the street property line, and such five foot setback area shall be permanently landscaped and maintained.
- 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.

The applicant does not propose to allow parking, loading, or vehicle maneuvering in a required street setback area other than for a drive connecting directly to a street. [See Exhibit 8, Proposed Site Plan.] The site does not adjoin an office or residential zoning district; therefore, this sub-section does not apply to this application. The parking area is on land zoned EFU (MCC .2002) ...The all-weather parking area will be setback 80 feet from NW Howell Road. One existing access point off of Howell Road is proposed to be widened and improved...

O. MCC .6140, Landscape and Screening Requirements

- 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).
- 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).

As a condition of approval, the applicant shall demonstrate compliance with all applicable landscaping and screening standards found in MCC .7855(C)(3) to (7) during the Design Review portion of the land use review process.

No permanent parking facilities will be located within 50 feet of a property line as shown on Exhibit 8, Proposed Site plan. The all-weather parking area will be screened from NW Howell Road by an existing hedgerow, which shall be maintained.

P. MCC .6142(F), Minimum Required Off-Street Parking Spaces, Unspecified Uses, Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

The applicant proposes to construct an all-weather parking area for 27 vehicles and two buses based upon the findings of traffic analysis prepared by Kittelson & Associates. [See Exhibit 10, Traffic Analysis.] The applicant shall provide temporary parking opportunities for 527 vehicles on two grass fields north and south of NW Howell Road. All proposed parking areas are sufficient to accommodate projected parking demand during the master plan period. In addition, the applicant shall implement the TMP Plan outlined in this section.

~~Staff: The applicant's traffic study contains analysis sufficient to establish the parking needs of the proposed development.~~

Hearings Officer: The hearings officer recommends that Metro address the discrepancy between its Master Plan and the land use application regarding the amount of parking proposed (605 overflow and special events spaces vs. 500 such spaces).

Q. MCC .6144(G), Minimum Required Off-Street Loading Spaces, Unspecified Uses, Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

The applicant proposes to continue to use the existing loading area west of the barn for daily activities and special events. The loading area shall not be used as a permanent parking area.

19. Compliance With MCC 11.15.7902, Sign Standards:

A. MCC .7902(A), Purpose, This Chapter regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance

the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

- To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;
- To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;
- To reflect and support the desired character and development patterns of the various zones;
- To allow for a variety in number and type of signs in commercial and industrial while preventing signs from dominating the visual appearance of the area; and
- To ensure that the constitutionally guaranteed right of free speech is protected.

MCC .7902(B), The regulations allow for a variety in number and type of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

This section applies to on-site signs. Permits for on-site signs can be addressed during Design Review process. Metro will work directly with Multnomah County Right-of-way Supervisor and the Oregon Department of Transportation regarding off-site signs.

Currently there are two signs on-site. Both signs are visible from Howell Park Road where it curves past the Bybee-Howell House. The first sign is the park identification signs measuring approximately 20 square feet. The second sign is an informational sign that lists the park regulations and measures approximately 30 square feet. [See Exhibit 2, Existing Conditions.]

Metro proposes to maintain the existing location for the park identification sign. One or more small informational signs regarding the hours of operations and park admission will be mounted on the entry booth. On the north side of the all-weather parking area Metro will install an informational board that provides general information about the natural and historic resources of Howell Park and the recreational and educational opportunities therein. One or more small interpretive signs will be placed near strategic locations alongside the proposed trail system in accord with the Howell Territorial Park Interpretive Plan, adopted in January 1999.

The placement of any future signs will be addressed at Design Review for the phase in which the sign will be erected or can be addressed by application for a sign permit.

The number and placement of any sign erected on-site shall comply with applicable Multnomah County regulations.

- B. MCC .7904, Applicability and Scope, This Chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not restrict, limit or control the content or message of signs. The regulations

of this Chapter apply to all zones. The regulations of this Chapter are in addition to all other regulations in the Multnomah County Code and State Building Code applicable to signs.

The number, size, placement, and physical characteristics of all signs shall comply with Multnomah County sign regulations in place at the time of sign permit application.

- C. **MCC .7912(A), Exempt Signs, Signs not oriented or intended to be legible from a right of-way, private road or other private property....**

Interpretive signs not legible from a right-of-way or other private property and placed alongside trails or buildings, such as the barn, restroom or picnic shelter, are exempted.

- D. **MCC .7914, Prohibited Signs, The following signs are prohibited and shall be removed:**

- Strobe lights and signs containing strobe lights which are visible beyond the property;
- Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Code;
- Abandoned signs;
- Balloon signs; and
- Signs in the right-of-way in whole or in part, except signs legally erected for purposes on behalf of a government agency

The applicant does not propose the installation of any prohibited signs.

- E. **MCC .7930, Base Zone Sign Regulations, Signs are allowed in unincorporated Multnomah County depending on the zoning district in which a property is situated as described in MCC .7932, et seq. Signs are allowed on properties that are zoned OP, PD, FH and LH or have CS designations to the extent that signs are allowed in the underlying zoning district except as provided herein. Signs are allowed in the SPA subdistricts to the extent provided for in the regulations for each such subdistrict.**

Howell Territorial Park is on land zoned EFU.

- F. **MCC .7942(A), Signs Generally in the EFU Zones, Free Standing Signs:**

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of MCC 11.15.7962 - .7978.

- **Allowable Area** - Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.
- **Number** - One free standing sign is allowed per site frontage.
- **Height** - The maximum height of a free standing sign is 16 feet.
- **Extension into the Right-Of-Way** - Free standing signs may not extend into the

- **Right-of-way.**

Howell Territorial Park has frontage on two public right-of-ways: NW Sawvie Island Road and NW Howell Park Road. The combined frontage length exceeds 1,500 lineal feet. Therefore, the park may use a maximum of 40 square feet of free-standing sign area. One free standing identification sign will be placed so as to be visible from NW Howell Park Road; however, no sign shall extend into the public right-of-way. No free-standing sign shall exceed 16 feet in height.

G. MCC .7942(B), Signs Generally in the EFU Zones, Signs Attached to Buildings:

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of MCC 11.15.7962 - .7978.

- **Total Allowable Area** - The total allowable area for all permanent signs attached to the building is determined as follows: Eighteen square feet of sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.
- **Individual Sign Face Area** - The maximum size of an individual sign within the total allowable area limit is 50 square feet.
- **Types of Signs** - Fascia, marquee, awning and painted wall signs are allowed.
- **Projecting roof top and flush pitched roof signs** are not allowed.
- **Number of Signs** - There is no limit on the number of signs if within the total allowable area limit.
- **Extension into the Right-Of-Way** - Signs attached to buildings may not extend into the right-of-way.

The Bybee-Howell House is the primary building facing a right-of-way. The house has 40 lineal feet of frontage on NW Howell Park Road. Therefore, the Bybee-Howell House may be credited with 10 square feet of allowable sign area. Because the house is a significant historic resource, Metro will not place any signs on this building.

Metro may place up to 10 square feet of signage, visible from a public right-of-way or private property, on other buildings in the park in compliance with this sub-section. Other small informational or interpretive signs, not visible from a public right-of-way or private property, may be placed on the barn, restroom, picnic shelter, etc., however, those signs are outside the reach of this sub-section. [See response to .7912.]

H. MCC .7942(C), Signs Generally in the EFU Zones, Sign Features:

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of MCC 11.15.7962 - .7978.

Permanent signs may have the following features:

- **Signs may be indirectly or internally illuminated.**

- Electronic message centers are not allowed.
- Flashing signs are not allowed.
- Rotating signs are not allowed.
- Moving parts are not allowed.

Metro does not propose to install electronic message centers or signs with flashing, rotating or moving parts.

I. MCC .7942(D), Signs Generally in the EFU Zones, Additional Signs Allowed:

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of MCC 11.15.7962 - .7978.

In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all zoning districts for all usages:

- Directional signs pursuant to MCC 11.15.7974.
- Temporary lawn, banner and rigid signs.

Metro will make use of temporary traffic direction signs during special events. These signs will be removed immediately following the conclusion of each event.

20. Compliance With Applicable Comprehensive Plan Policies:

A. Policy 9: Agricultural Lands

The county's policy is to designate and maintain as exclusive agricultural, land areas which are:

- A. Predominantly agricultural soil capability I, II, III, and IV, as defined by u.s. soil conservation service;**
- B. Of parcel sizes suitable for commercial agriculture;**
- C. In predominantly commercial agriculture use; and**
- D. Not impacted by urban service; or**
- E. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands.**

The county's policy is to restrict the use of these lands to exclusive agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development.

Howell Territorial Park is zoned Exclusive Farm Use (EFU). Howell Park has been used for a mixture of agricultural and public park uses since Multnomah County obtained title

Public parks are allowed in the EFU zone subject to conditional use approval. The applicant has demonstrated compliance with all conditional use approval criteria found in MCC.7120. In addition, implementation of the master plan will help limit and define access and impact to the identified wetlands on-site, an activity allowed as a use of right in the EFU zone. [MCC.2008(K).]

Howell Territorial Park provides the urban dweller with a connection to a rural landscape and rural way of life that once, but no longer, is the characteristic of Multnomah County. The park master plan celebrates that history and landscape and provides the visitor with a better appreciation of rural natural and cultural resources. For these reasons, implementation of the Howell Territorial Park master plan helps preserve agricultural lands from inappropriate or incompatible development.

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.

Implementation of the master plan will help limit access to identified wetlands. Trails

proposed in the pasture and meadow area will not create additional impervious surfaces. The applicant will keep cows away from Howell Lake and other sensitive water resources. Consistent with Metro Code 10 and in consideration of the primitive setting and the noise sensitivity of the neighbors, only acoustic music is allowed in Howell Park. Amplified sounds are expressly not permitted. On-site septic systems will be designed in compliance with adopted County standards. Surface water from the all-weather parking area and other impervious surfaces will be handled in compliance with adopted regulations. The applicant shall apply for erosion control and grading permits in conjunction with Design Review for each phase of development. Therefore, this proposal will help maintain healthful ground and surface water resources.

No activities proposed in the master plan are noise sensitive uses. As discussed above, Metro expressly prohibits amplified noises at Howell Park. This includes the use of the park for weddings, school tours, Wintering-In and other special events. No other significant noise generators are proposed.

Hearings Officer: Evidence from the County's Public Works Division shows that Sauvie Island Road exceeds County standards for volume of traffic during the peak use period when special events will occur. The Wintering In Festival figures show that over 2100 persons attend the festival on at least one day of the festival. At the 2.5 to 3.0 persons per car projected by Kittelson, this festival will draw at least 700 to 840 vehicles a day. This translates to 1400 to 1680 vehicle trips per day on a road that is intended to serve 1000 to 4000 vehicle trips per day. As 5700 vehicle trips currently use this road for other uses, the festival and other similar special events make a failing situation much worse.

B. Policy 14: Developmental Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- **Slopes exceeding 20%;**
- **Severe soil erosion potential;**
- **Land within the 100 year flood plain;**
- **A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- **A fragipan less than 30 inches from the surface;**
- **Land subject to slumping, earth slides or movement.**

The only slopes within the site that exceed 20% are the dike slopes and the slope

immediately west of the Bybee-Howell House. No development is proposed on the dike slopes. The only improvements proposed for the slope near the historic house is the replacement of the split-rail fence with more appropriate historic fencing material and the a short reach of hard surfaced trail. The soils are not marked as having severe soil erosion potential. The site is exempt from Flood Hazard review. Generally the land has a grade of less than 6% and is not identified as being subject to slumping, slides or earth movement.

Development limitations on the land are related to the identified Goal 5 natural and historic resources. Implementation of the master plan will not result in substantial adverse impacts to any of these resources. Proposed development, which will result in soil disturbance, shall conform to the County's adopted erosion control standards.

Hearings Officer: Metro fails to establish that the parking areas do not have a high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year, a fragipan less than 30 inches from the surface or that the land is not land located within the 100 year flood plain. The fact that the property is exempt from Flood Hazard review does not excuse Metro from compliance with this comprehensive plan policy.

Policy 15: Willamette River Greenway

The county's policy is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River.

Further, it is the county's policy to protect identified Willamette River Greenway areas by requiring special procedures for the review of certain types of development allowed in the base zone that will ensure the minimum impact on the values identified within the various areas. The procedures shall be designed to mitigate any lost values to the greatest extent possible.

Despite the fact that the majority of Tax Lot 12 is more than 150 feet beyond the statutory reach of the WRG Act, Multnomah County classifies all of TL 12 as being within the WRG overlay. The recently acquired 20 acres is beyond the reach of the WRG.

It is state policy to "to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment". [ORS 390.314(1).]

Activities that "protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands" are exempt from filing a request for a Greenway permit. [MCC .6368(A).] The applicant has demonstrated that all activities proposed in the master plan will result in the protection, conservation, enhancement and maintenance of public recreational, scenic, historical and natural uses on public lands. Therefore, the proposal is consistent with this comprehensive plan policy.

Policy 16: Natural Resources

The county's policy is to protect natural resources, conserve open space, and to protect scenic and historic areas and sites. These resources are addressed within sub-policies 16-a through 16-l.

The Natural Resources policy applies exclusively to Open Spaces, Scenic and Historic Areas, and Natural Resources that are subject to Goal 5. [See OAR 660-16.] There are three (3) Goal 5 resources on Howell Park lands: 1) Howell Lake and wetlands (natural resources), 2) the isolated wetlands in the northwest corner of TL 12 (natural resource), and 3) the Bybee-Howell House (an historic and scenic resource). There are no Goal 5 open space resources on the site. The County zoning map indicates that there is an SEC-w overlay on the property as it relates to Howell Lake and the isolated wetland.

Policy 16-A: Open Space

It is the county's policy to conserve open space resources and protect open spaces from incompatible and conflicting land uses.

Howell Park is an open space resource. The adjacent areas are not dedicated public open space. Therefore, the proposed development activities at Howell Park are not incompatible with adjacent public open space areas.

A primary purpose of the park master plan is to ensure that the park is protected against incompatible and conflicting land uses. The plan proposes measures that will limit and direct access around sensitive areas. The clustering of new structures behind the barn and behind the existing picnic area will limit incursions of new structures onto open areas. The continued use and enhancement of Howell Park as a low impact, minor recreation area, pursuant to the adopted master plan, will prevent future use of the land that is incompatible with the open space character of the site.

Policy 16-D: Fish And Wildlife Habitat

It is the county's policy to protect significant fish and wildlife habitat, and to specifically limit conflicting uses within natural ecosystems within the rural portions of the county and sensitive big game winter habitat areas.

There are no state or county adopted fish and wildlife habitat areas or big game winter habitat areas identified on the Howell Park site. Therefore, this policy is not applicable to this request.

Policy 16-E: Natural Areas

It is the county's policy to protect natural areas from incompatible development and to specifically limit those uses which would irreparably damage the natural area values of the site.

Howell Park is a natural area. The primary natural resource values of the site are Howell Lake and the identified wetland. The adopted Metro master plan for Howell Territorial Park is designed to limit uses that would irreparably damage the natural values of the site. The plan would limit human and cattle access to these resources. No development is proposed within the resources or their buffers. The plan includes measures to enhance the function of the wetlands. No development actions, other than those provided for in the master plan, will be undertaken. Therefore, implementation of the park master plan will specifically limit uses that might otherwise irreparably damage the natural area values of the site.

Hearings Officer: Parking immediately adjacent to a wetland may require the imposition of use restrictions to protect the wetland, as discussed earlier in this decision.

Policy 16-F: Scenic Views And Sites

It is the county's policy to conserve scenic resources and protect such areas from incompatible and conflicting land uses.

The County has adopted MCC .6424 as a mechanism to protect scenic views and sites. The Bybee-Howell House and public roads on Sauvie Island are identified as public viewing areas. [MCC .64424.] The subject property is not zoned SEC-v (significant scenic resource). Therefore, this plan policy does not apply to the subject application.

Policy 16-G: Water Resources And Wetlands

It is the county's policy to protect and, where appropriate, designate as areas of significant environmental concern, those water areas, streams, wetlands, watersheds, and groundwater resources having special public value in terms of the following:

- A. Economic value;**
- B. Recreation value;**
- C. Educational research value (ecologically and scientifically significant lands);**
- D. Public safety, (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes);**
- E. Natural area value, (areas valued for their fragile character as habitats for plant, animal or aquatic life, or having endangered plant or animal species).**

Multnomah County has designated Howell Lake and its associated wetlands and buffer, and the isolated wetland on the northwest portion of TL 12, as areas of significant environmental concern. The park master plan envisions no development within these areas. [See Exhibit 12, Wetland Delineation report and Exhibit 8, Proposed Site Plan.] Therefore, the application satisfies plan policy 16-G.

Policy 16-I: Historic Resources

It is the county's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites.

The Bybee Howell House is the only identified Goal 5 historic resource on the site. The master plan includes renovating the cellar as an outdoor exhibit, converting the kitchen into a self-guided introductory exhibit, and constructing an ADA accessible path to the south side of the porch. All activities shall be undertaken only after consultation with the State Historic Preservation Office to determine the appropriateness of the rehabilitation and restoration measures. Therefore, implementation of the master plan will apply appropriate historic preservation measures to all designated historic resources on site.

Staff: Multnomah County implements Policy 16-G, with the Significant Environmental Concern for wetlands section of the Zoning ordinance (MCC 11.15.6422). This Section severely limits development within wetland areas and prohibits upland development from encroaching within 50 feet of such wetlands (MCC 11.15.6422(B)). Although the applicant has established that this project is exempt from the Significant Environmental Concern permit requirements, they are locating development such that no improvements are to be located within 50 feet of any wetland area within the park. Wetland areas and a 50 foot wetland buffer are illustrated on the site plan (Exhibit 8). Wetland locations are consistent with a wetland delineation report prepared by Shapiro and Associates (Exhibit 12). The Division of State Lands confirmed the delineation report, as evidenced in an April 27, 2000 letter (Exhibit 20).

C. Policy 22: Energy Conservation

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

- **The development of energy-efficient land uses and practices;**
- **Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- **An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- **Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**
- **Finally, the county will allow greater flexibility in the development and use of**

renewable energy resources.

The applicant proposes to implement a TMP plan that includes appropriate energy conservation measures, such as bus parking areas and encouraging an extension of Tri-Met Route #17 to the park during special events. These measures will help reduce dependence upon non-renewable resources.

D. Policy 31: Community Facilities And Uses

The County's policy is to:

- **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.**
- **Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**
- **Encourage land use development which support the efficient use of existing and planned community facilities.**
- **Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.**

Howell Territorial Park is an existing public park, a community facility. The park has full access to all available public services. In the mid-1990s, Metro initiated a public process to identify alternative approaches to increase the efficiency of services at Howell Park. After several years of working with island residents and interested parties, Metro adopted the present master plan in 1997. The master plan is a long-range planning and capital investment program for the park. The plan encourages orderly development of the park facilities consistent with policy # 31.

- **Classify community facilities according to their function and scale of operations.**

Scale

Type Of Facilities

* * *

Minor Regional

**Cemeteries
Regional Parks**

Multnomah County classifies Howell Territorial Park as a minor regional park.

* * *

- **Locate community facilities on sites with average site grades consistent with a**

project's scale and impacts, site slope requirements by scale are:

<u>Scale</u>	<u>Average Site Slope Standard</u>
	* * *
Minor Regional	6%
	* * *

Although the applicant has not completed a final topographic analysis of the site, a visual survey indicates that Howell Park is located on land with an average grade of less than 6 percent. The proposed major development activities will occur on slopes with an average grade of 6 percent or less. Trail locations are generally flat and, where required, all trails will be ADA compliant. Therefore, the proposed improvements, on average, will occur on slopes less than 6% as required in this subsection

- For sites with average slopes steeper than the standard the developer must be able to demonstrate that through engineering techniques all limitations to development and the provision of services can be mitigated.

The average slope of the site is less than 6%. No significant development is proposed on slopes steeper than 6% grade.

- 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:

<u>Scale</u>	<u>Vehicular Access Standards</u>
	* * *
Minor Regional	Direct Access To A Collector Street And No Routing Of Traffic Through Local Neighborhood Streets Public Transit Available Within ¼ Mile

Howell Territorial Park is an existing community facility. It is served by NW Howell Park Road (a local farm road) and NW Sauvie Island Road (a rural collector). NW Sauvie Island Road serves as a collector street for the island.

Tri-Met operates a transit stop for bus route #17 within one-half mile of the park. There are no transit stops within one-quarter mile of the site.

The Multnomah County Comprehensive Plan classifies Plan Policy # 31 as a land use location policy. The Howell Park location cannot satisfy the plan requirement of a transit stop within one-quarter mile. The land use locational policies are to be construed flexibly where it can be found that the proposal is in the public interest.

Metro adopted the Howell Park master plan as a mechanism to implement the Metropolitan Greenspaces Master Plan, which calls for the adoption of park master plans as a primary strategy for balancing public use of natural areas with protection of the natural values of the area. In so doing, Metro made a determination that implementation of the Howell Park master plan is in the public interest and that the proposed park expansion is capable of harmonious integration into the community. The Howell Park master plan is designed to minimize impacts on the natural values of the site while expanding public educational, interpretive, and recreational experiences on-site.

Therefore, the applicant asks that Multnomah County similarly find that the proposal is in the public interest and is capable of harmonious integration into the Sauvie Island community, and thereafter, construe the location criteria in a flexible manner.

* * *

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

The traffic analysis provided by Kittelson & Associates considers each of these criteria and concludes that that implementation of the master plan will not reduce roadway levels of service (LOS) below LOS "B" during peak use times. The traffic analysis concludes that traffic operations at Howell Territorial Park will be adequate during normal hours of operation and during special events based upon the implementation of a TMP plan. [Exhibit 10]

Hearings Officer: It is not clear that the Kittelson Report addressed the demand of a special event the magnitude of the Wintering In Festival (2100+ persons per day). It discusses a parking need for 500 vehicles. It is not clear from the text of the report how many cars a day are expected. The tables shows peak hour estimates of traffic but it is not clear to a non-expert whether the tables also show total trips per day. Metro should clarify this issue on appeal.

- **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.

Metro has determined that the adopted park master plan is sized appropriately to the site. Proposed development activities, such as the picnic area and maintenance... area, are limited to areas already developed. The park master plan proposed to create a limited network of pedestrian trails within developed areas where no such system now exists. Paved trails will be ADA compliant. Soft trails will lead from the developed areas to wildlife viewing areas and around, but sufficiently away from, significant wetlands.

- **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.**

The applicant will apply for Design Review Approval for each phase of development in satisfaction with this plan policy.

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

Implementation of the adopted park master plan is the appropriate vehicle to ensure conformity with all plan policies discussed herein.

Staff: Transit is available within ½ mile of the subject property, a distance that does not meet the ¼ mile threshold listed above. However, the fact that Policy 31 is a locational policy allows the County to treat the criteria in a flexible manner, provided it can be established that the proposed development is in the public interest and is capable of harmonious integration into the community (see Exhibit 21). ~~As established herein, the applicant has demonstrated that the proposal is in the public interest and is capable of harmonious integration into the Sauvie Island community.~~

E. Policy 37: Utilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

* * *

- **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system;**

Water Supply

An existing well (Oregon Water Resources Department #38514) will be used to supply domestic and irrigation water to the proposed facility. This well has exceptional yield of 220 gallons per minute. Water was first encountered at a depth of approximately 64 feet below ground surface. Static water level is presently found at 13 feet (bgs) with a total well depth of 87 feet. The well was recently constructed in January 1992. It is

assumed that the existing casing, well head, and seals are in good condition and will be adequate for the proposed use.

A 7.5 HP 4" Goulds Submersible Well Pump is installed at this well. With an assumed static lift requirement of 50 feet (which would allow 37 feet of drawdown and headloss) and a pump efficiency of 65%, the capacity of this well is calculated to have a maximum theoretical capacity of approximately 400 gallons per minute. This capacity is well in excess of maximum irrigation flow which has been estimated at 50 gallons per minute.

Chlorination equipment and a retention vessel providing a contact time of not less than 30 minutes will be provided for the domestic water system. The quality of the well water is generally good, although a full chemical analysis of the well water has not been completed to date. Otak will coordinate with the Oregon Health Division to meet all applicable drinking water standards.

Septic System

The soils in the proposed drainfield area are predominantly Burlington fine sandy loam according to the SCS Soil Survey for Multnomah County, Oregon. This soil has rapid permeability and has a high hydraulic capacity. Because of this high permeability rate, the drainfield will be sited a sufficient distance from the existing wetland to prevent possible seepage and contamination into this area. The soil survey also indicates the presence of organic materials in the soil matrix which is conducive to biological treatment of the wastestream.

A Septic Site Evaluation request has been submitted to Mike Ebbing at the City of Portland Bureau of Buildings. This work will be completed as City of Portland staff becomes available. Information available to date indicates that the proposed drainfield site is adequate for its anticipated use. The viability of this site for a conventional septic tank and drainfield assembly will be verified by the City of Portland. If necessary, pretreatment in the form of sand or gravel filtration could be provided to reduce the biological loading to the drainfield. We are confident that the soil matrix has adequate hydraulic capacity to assimilate the projected wastewater volumes. All septic system design will be completed in accordance with Oregon Department of Environmental Quality standards.

* * *

- *The water run-off can be handled on the site or adequate provisions can be made; and*

Evidence is required showing that the stormwater system can pass the 10-year, 24 hour storm and that the development will not degrade the water quality of the nearby wetlands.

The improvements at Howell Territorial Park include a new gravel parking lot. A

grassy area off NW Howell Road is currently used for parking. A portion of this area will be developed into a new pervious pavement parking lot. The remainder of the area will be kept in its current condition for overflow parking.

The overflow parking area does not require treatment since it will not be changed by the park improvements. Stormwater runoff from the new parking lot requires treatment and will drain directly to a vegetated filter strip without subsurface piping. After flowing through the vegetated filter strip, it will pass through a culvert and be discharged to a nearby wetland buffer area. A second culvert will be installed under the parking lot entrance to bypass runoff in the ditch along NW Howell Road.

The vegetated filter strip is provided to treat runoff from the new parking lot during the water quality storm event. The water quality storm event is 0.83 inches over a 24 hour period, as defined in the City of Portland's Stormwater Management Manual. The filter will be 16 feet wide and have a 9 minute residence time. Nine minutes was chosen because it is the standard minimum residence time for a vegetated filter strip and is the minimum residence time for biofiltration under the City of Portland's Stormwater Management Manual. This design will adequately treat the runoff before it is discharged to the wetlands.

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

Electricity service is available at the site. Telephone service is available at the site.

Staff: A well log report, discharge calculations, pump description, repair invoice, and an application checklist from the Oregon Health Division, Drinking Water Program have been submitted by the applicant as evidence of an adequate, on-site private water supply (Exhibit 22). Evidence has not been provided establishing that they have received approval from the Oregon Health Division. Such evidence is needed to demonstrate that an adequate water supply exists.

Written evidence from the Oregon Department of Environmental Quality (DEQ) that they will approve a sub-surface sewage disposal system for proposed development is also required. The City of Portland Sanitarian is an agency authorized to review and approve certain subsurface disposal systems on behalf of DEQ. In a letter dated April 27, 2000 (Exhibit 23), the City of Portland Sanitarian confirmed that the subject property is suitable for a standard septic tank and drainfield system.

The applicant's drainage analysis (Exhibit 19) establishes that storm run-off attributed to this project can be handled on-site.

F. Policy 38: Facilities

The County's policy is to require a finding prior to approval of a legislative or quasi-

judicial action that:

- The appropriate school district has had an opportunity to review and comment on the proposal.
- There is adequate water pressure and flow for fire fighting purposes; and
- The appropriate fire district has had an opportunity to review and comment on the proposal.
- The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

See attached service provider forms.

Staff: Exhibits 15 and 16 demonstrate that police and fire protection services are adequate to serve the proposed uses.

Hearings Officer: The fire district has expressed concern about its ability to serve the expanded uses envisioned for this park, especially because it is a volunteer district. This policy does not, however, require that the fire district have the ability to serve the property. Adequate water pressure and an opportunity to comment are all that are required.

G. Policy 40: Development Requirements

The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.

The Proposed Site Plan, Exhibit 8, shows a general location for an easement, approximately 20 feet wide, to accommodate a future bikeway in compliance with Multnomah County's transportation and bikeway plans.

- Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.

This policy applies to industrial, commercial and multi-family development projects and is not applicable to this proposal.

- Areas for bicycle parking facilities will be required in development proposals, where appropriate.

See at Exhibit 11, Parking and Loading Plan, for location of proposed bicycle parking areas.

21. Compliance With Applicable Sauvie Island/Multnomah Channel Rural Area Plan (SIMCRAP) Policies:

- A. Policy 1: Support measures which will ensure that Sauvie Island maintains and enhances its agricultural diversity on Exclusive Farm Use lands.**

The Howell Park master plan envisions continuation of cattle-grazing activities through the year 2003. Grazing may be continued beyond that time frame subject to negotiation with the lessee. The plan includes maintenance of the orchard and creation of a kitchen garden exhibit.

- A. Policy 20: Promote recreational activities within the rural plan area which are complementary to natural and environmental resources identified pursuant to Goal 5 of the Statewide Planning Program and regionally significant natural areas adopted in the Metro Greenspaces Master Plan and lands approved in Metro's Acquisition Refinement Plan.**

Howell Territorial Park is a Goal 5 resource and is designated as a greenspace of regional significance. The Howell Park master plan as adopted by the Metro Council, implements the Metro Greenspaces Master Plan and, therefore, satisfies this plan policy. [See Exhibit 6, Appendices, Metro Council Resolution approving Howell Territorial Park Master Plan.]

- B. Policy 22: Have the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee study and recommend to the Board of County Commissioners short and long term solutions to safely accommodate bicyclists, pedestrians, and motor vehicles on Sauvie Island including on-road bikeways, separated multi-use paths, and funding options.**

The Sauvie Island Rural Area Plan illustrates a bikeway through the park site, along the east side of Sauvie Island Road. The bikeway is included in the Multnomah County Bicycle Master Plan. The Proposed Site Plan, Exhibit 8, shows a general location for an easement, approximately 20 feet wide, to accommodate a future bikeway in compliance with Multnomah County's transportation and bikeway plans.

Staff: The Transportation Division confirmed that, provided the applicant complies with the proper right-of-way/easement dedications and commits to future improvements, the proposed bikeway complies with the County Bicycle Master Plan (Exhibit 17).

Policy 24: Oppose placement of regional roadways in the Sauvie Island/Multnomah Channel Rural Area, should such roadways be under consideration by any regional transportation authority.

Policy 25: Review rural roadway standards to determine if 8-foot paved shoulder widths can be reduced to preserve the rural character of the area.

These two plan policies reflect the desire of Sauvie Island residents to see that Island roads and traffic volumes are maintained at rural levels.

As discussed above, Metro contracted with Kittelson and Associates to analyze the

projected traffic impacts that can be reasonably anticipated as a result of implementation of the Howell Park master plan.

Currently, Howell Park attracts an average of 20 vehicles per day spring the late spring, summer, early fall operating season. The park also attracts one school bus loaded with 60 children 25 times a year and several small weddings of 25-100 participants during the summer. Special events include one OHS annual fundraiser and the annual Wintering-In Festival, by far the largest generator of visitors attracting 5,000 visitors over one fall weekend.

These same events will continue when the master plan is implemented. The only change in park attractions that might attract more numbers of people at one time will be the construction of three picnic shelters with a combined capacity of 240 visitors. Metro anticipates that these shelters will be in use 10 - 12 Saturdays from mid-June to early September and might reach capacity during some of these weekends. Kittelson anticipates that vehicle occupancy will be 2.5 to 3.0 people per vehicle which will yield 80 to 96 additional vehicles on a Saturday afternoon.

Hearings Officer: The master plan makes it clear that Metro intends to expand park use for events. The establishment of a legally approved large parking area will make the property suitable for such large events. As such, it is not reasonable to assume that the park use for special events will remain static. The dollars expected from special events, as shown by the Master Plan, are projected to increase dramatically. One way this would occur would be by expanding attendance at current events.

Currently, the primary intersections vehicles use to reach Howell Park operate at LOS "B" during peak weekend hours. Kittelson anticipates that even with the potential increased number of visitors in vehicles attracted to the picnic shelters the level of service at the primary intersections will not decrease below LOS "B".

~~*Consequently, from an empirical point of view, the rural character of the Sauvie Island Road system will not experience a measurable decline when the master plan is implemented. During the peak visitor season, when Sauvie Island roads are at their busiest, it will be difficult for the casual observer to distinguish between traffic generated by Howell Park, the beaches, the produce stands, or the wildlife refuge.*~~

During annual special events when more than 300 visitors are expected, Metro will implement a TMP as recommended by Kittelson. The plan not only includes on-site parking management, but also includes coordination with the County Sheriff's office for traffic management, additional signs, and the possibility of support from Tri-Met. Again, the Wintering-In Festival and OHS fundraiser events already occur annually. Given the limited number of large special events and implementation of the TMP, Metro anticipates that implementation of the master plan will not result in loss of rural road character.

Hearings Officer: Metro should, at a minimum, make the transportation system improvements recommended by the County.

Policy 32: Make protection from flood waters the highest priority among competing uses on Sauvie Island.

County staff has concluded that lands west of the dike are Flood Hazard areas. Howell Park lies east of the dike; therefore, the Flood Hazard requirements do not apply to this request...

Policy 33: Encourage property owners to control vegetation along Sauvie Island levees through methods that are least environmentally damaging as determined by the Sauvie Island Drainage District in coordination with the Oregon Department of Fish and Wildlife.

The park master plan includes land management and natural resource management goals that:

- *Implement a program to control or eradicate invasive species including Himalayan blackberry, reed canarygrass, tansy ragwort and Canadian thistle.*
- *Enhance wildlife use of the site by establishing native shrub and tree plantings adjacent to Howell Lake, fence lines and the Gilbert River.*
- *Create a grove of Oregon white oak trees.*
- *Maintain healthy meadow / pasture through appropriate use of mowing, grazing and fertilization.*
- *Exclude livestock from wetland and riparian areas (subject to existing agreements).*
- *Control livestock access to the Gilbert River dike by installing a gate on the south side of the dike.*
- *Implement a volunteer program to restore (plant) and enhance the orchard including removal of diseased trees, annual pruning and spraying, and control of ground cover.*
- *Any pesticide / herbicide spraying at the park will be done in a manner that does not harm wildlife that frequent the park throughout the year.*
- *Monitor water quality of park surface waters.*
- *Encourage natural seasonal water fluctuations in wetland areas.*

Implementation of these policies is compatible with the goal of controlling vegetation along the island levees.

Policy 35: Consider methods of alleviating the compaction effects of roadways on levees through the relocation of such roadways or reconstruction of such roadways with additional fill under them to raise the levees.

Kittelson and Associates have concluded that implementation of the Howell Park master

plan will yield a 0.8 percent growth in traffic along the dike road. The majority of this park-generated traffic will be passenger vehicles. Therefore, Kittelson concludes that the implementation of the Howell Park master plan is not likely to have a measurable effect on the structural integrity of the dike roadway in comparison to the existing traffic loading.

Policy 42: Make recommendations and participate in the planning for Howell Park with METRO.

Land use review of this application is consistent with this plan policy.

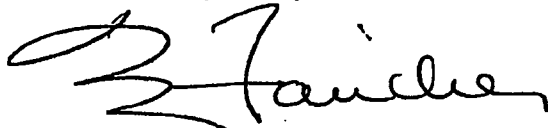
Conclusion

Considering the findings and other information provided herein, this application for development within Howell Territorial Park fails to satisfy applicable Multnomah County Zoning Ordinance requirements.

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 \$530.00 plus a \$3.70 - 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 Avenue (in Portland) or you may call 248-3043, for additional instructions.

Dated this 2nd day of July 2000.



Liz Fancher, Hearings Officer



MULTNOMAH COUNTY

**DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-3043 FAX: (503) 248-3389**

NOTICE OF REVIEW

1. Name: PRICE , , Loran
Last Middle First
2. Address: 600 NE Grand Avenue , Portland , OR , 97232-2736
Street or PO City State Zip Code
3. Telephone: (503) 797 - 1846
4. If serving as a representative of other persons, list their names and addresses:

Metro

Name

600 NE Grand Avenue, Portland, OR

Address

97232-2736

Zip Code

Name

Address

Zip Code

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.) ?

Denial of a Condition Use Permit Application for development within
Howell Territorial Park, 13901 NE Howell Road.

6. The decision was announced by the Hearing Officer on July 7, 2000

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
- ~~As the applicant, Metro qualifies as a party under MCC 11.15.8225(A(1)).~~

Continued on back of form



PLANNING SECTION
NORTH COUNTY

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8. Grounds for Reversal of Decision (*use additional sheet is necessary*)

See attached Grounds for Reversal

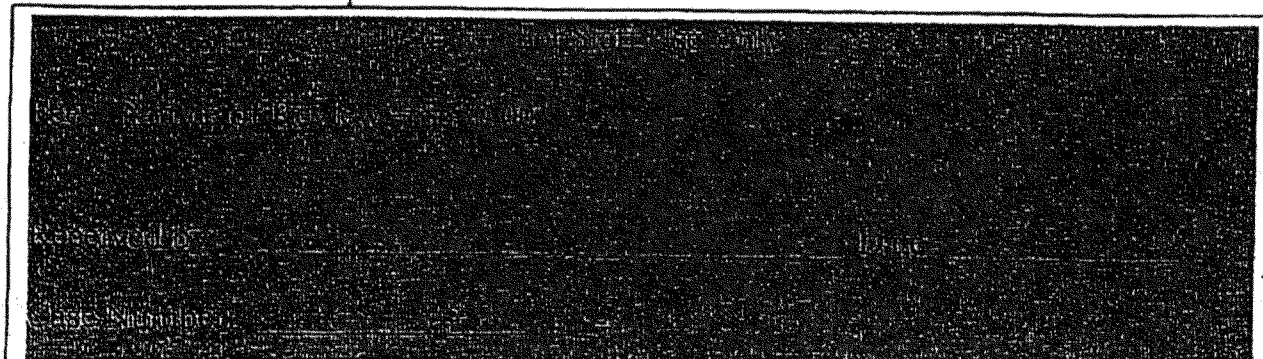
METRO

Signed:

By: Lora Price

Date:

July 19, 2000



Metro's Notice of Review—Grounds for Reversal of Decision
Case File: Multnomah County No. CU 0-2
Hearings Officer: Liz Fancher
Application: A Conditional Use Permit Application
Howell Territorial Park

July 19, 2000
Page 1 of 2

1. The hearings officer erred in deciding that Metro's application and the record lacks sufficient factual information to allow for findings of fact in support of approval of Metro's application.
2. **MCC 11.15.2002—Purposes of the Exclusive Farm Use Zone District Without Review.**

The hearings officer's decision misinterprets and misapplies MCC 11.15.2002, ORS Chapter 215, and OAR Chapter 660, Div. 33, in finding that the development proposed by Metro's Conditional Use Permit Application is not consistent with the purposes of the Exclusive Farm Use Zone District.

3. **MCC 11.15.2014—Accessory Uses Permitted in the Exclusive Farm Use Zone District.**

The hearings officer's decision misinterprets and misapplies MCC 11.15.2014 (B), and assumes facts not in evidence in finding that Metro's existing fencing is inconsistent with the purposes of the Exclusive Farm Use Zone District.

4. **MCC 11.15.2026—Compliance with EFU Access Requirements.**

The hearings officer misinterpreted and misapplied MCC 11.15.2026, and assumed facts not in evidence in applying MCC 11.15.2026, resulting in a finding of "rough proportionality" that is unsupported by the record.

5. **MCC 11.15.7105—Compliance with the Purpose of the Conditional Use Section of the Zoning Ordinance.**

The hearings officer ignored facts in the record and misinterpreted and misapplied MCC 11.15.7105.

6. **MCC 11.15.7120—Compliance with Conditional Use Approval Criteria.**

The hearings officer's decision misinterprets and misapplies MCC 11.15.7120 (A), ignores facts in the record and assumes facts not in evidence in finding that the development proposed by Metro's Conditional Use Permit Application fails to satisfy the criteria set forth in MCC 11.15.7120 (A).

Metro's Notice of Review—Grounds for Reversal of Decision
Case File: Multnomah County No. CU 0-2
Hearings Officer: Liz Fancher
Application: A Conditional Use Permit Application
Howell Territorial Park

July 19, 2000
Page 2 of 2

7. **Compliance With Comprehensive Plan Policy 13: Air, Water and Noise Quality.**

The hearings officer's decision misinterprets and misapplies Multnomah County Comprehensive Plan Policy 13.

8. **Compliance With Comprehensive Plan Policy 14: Developmental Limitations.**

The hearings officer's decision misinterprets and misapplies Multnomah County Comprehensive Plan Policy 14.

9. **Compliance With Comprehensive Plan Policy 31: Community Facilities and Uses—Restrict the Siting of Community Facilities in Locations Where Site Access Would Cause Dangerous Intersections or Traffic Congestion.**

The hearings officer's decision misinterprets and misapplies Multnomah County Comprehensive Plan Policy 31.

10. **Compliance With Sauvie Island / Multnomah Channel Rural Area Plan (SIMCRAP) Policy 25: Review Rural Roadway Standards to Determine if 8-Foot Paved Shoulder Widths Can Be Reduced to Preserve the Rural Character of the Area.**

The hearings officer's decision misinterpreted and misapplies SIMCRAP Policy 25.

Case CU 0-2 - Application Timeline and Exhibit List

Timeline:

- Application received with full fees: January 27, 2000
- Application determined to be complete: May 1, 2000 (Begin "150 day timeline")
- Staff Report Available to the Public: May 10, 2000 (Day 9 of timeline)
- Public Hearing before Hearings Officer: May 17, 2000 (Day 16 of timeline)
- Decision received from the Hearings Officer: July 2, 2000 (Day 62 of timeline)
- Hearings Officer decision mailed to parties: July 7, 2000 (Day 67 of timeline)
- Decision appealed to the Board of County Commissioners: July 19, 2000 (Day 79 of timeline)
- Original date for County Commissioners Hearing: August 24, 2000 (Day 115 of timeline)
- **150 Day timeline tolled by applicant from August 24, 2000 to October 26, 2000**
- Public Hearing before the County Commissioners as rescheduled per the applicant's request: October 26, 2000 (Day 115 of timeline)
- **150 Day timeline tolled by applicant from October 26, 2000 to January 4, 2001**
- Hearing before the County Commissioners set over from October 26, 2000 and as rescheduled per the applicant's request: January 4, 2001 (Day 115 of timeline)

Exhibit List:

(Note: A Complete Set of All Exhibits is Included in the Case File)

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B1	50	Staff Report

Attachments to the Report:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
1	1	Location Map
2	1	Existing Conditions Map
3	6	Proof of Ownership
4	1	Current Assessment and Taxation Map
5	1	Vegetative Communities Map
6	188	Howell Territorial Park Master Plan, Metro, April 1997
7	1	Utility Plan, Revised April 24, 2000
8	1	Proposed Site Plan, Revised April 24, 2000
9	8	Planning Director Decision, Property Line Adjustment Case #PLA 8-96, Issued August 9, 1996
10	38	Traffic Study, Kittelson & Associates, Inc., December 28, 1999, with Attachments
11	2	Parking and Loading Plans, Revised April 24, 2000
12	34	Wetland Delineation of Howell Territorial Park, Shapiro and Associates, Inc., January 21, 2000
13	3	Metro letter to the County, dated April 18, 2000
14	1	Impact Area Map
15	1	Police Services Review Form, Signed January 5, 2000
16	1	Fire Service Review Form, Signed January 9, 2000

17	2	E-mail from Ed Abrahamson, Transportation Division, dated April 28, 2000
18	24	Description and Construction Specifications for Gravelpave ² Reinforced Gravel Road Surface
19	34	Drainage Analysis, Howell Territorial Park, OTAK, April 14, 2000
20	3	Division of State Lands Confirmation of Howell Territorial Park Wetland Delineation, dated April 27, 2000
21	2	Comprehensive Framework Plan Land Use Location Policies
22	7	Certification of Water Service Form, with Attachments
23	2	On-site Sewage Disposal Form, Signed April 24, 2000

Other Applicant Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	General Land Use Application Form
A2	1	Assessment And Taxation (A&T) Sheet For The Parcel
A3	1	Copy of the Check for the Application Deposit
A4	1	Land Use Permit Application Cover Sheet, Dated January 27, 2000
A5	1	Copy of a Current Multnomah County Zoning Map of the Subject Property
A6	155	Conditional Use Application with attachments, dated January 2000
A7	6	Copy of a City of Portland Sanitarian Land Feasibility Study Application
A8	13	April 14, 2000 letter from Otak, Discussing the Water Supply and Septic System for Howell Territorial Park (with attachments)
A9	2	April 24, 2000 Fax from Lora Price, Metro, Requesting a Status Letter from the County for Purposes of Grant Application
A10	1	Fax copy of Affidavit of Posting, Received May 5, 2000

Other Staff Information:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
B2	2	Aerial Photographs of the Subject Property
B3	1	February 24, 2000 letter to Lori Warner, Division of State Lands, Requesting Confirmation of the Howell Territorial Park Wetland Delineation
B4	2	February 25, 2000 Completeness Review Letter
B5	1	E-mail to Ed Abrahamson, Transportation Division, dated April 20, 2000
B6	2	Second Completeness Review Letter, dated April 20, 2000
B7	1	April 25, 2000 Land Use Status Letter to Oregon State Parks and Recreation, Regarding Metro's Grant Application
B8	1	Sheet Confirming Posting Signs Received by the Applicant May 3, 2000
B9	19	Notice of Public Hearing, Mailed May 4, 2000

Documents Submitted for the Hearings Officer Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
H1	1	Applicant's Affidavit of Posting for the May 17, 2000 Hearing
H2	1	Letter dated May 15, 2000, from Richard D. Roberts, Preston Gates & Ellis, LLP, Representing the Sauvie Island Drainage District
H3	12	Staff Photographs of Howell Territorial Park
H4	4	Warranty Deed of the Subject Property, Recorded October 2, 1996 with Instrument #96149904
H5	9	Copy of METRO Resolution #97-2539B, Adopted November 6, 1997

H6	3	Photographs of the Subject Property taken by an Adjoining Property Owner in Attendance at the Hearing
H7	1	Letter from Jean Fears, Sauvie Island resident, dated May 18, 2000
H8	4	May 22, 2000 Memorandum from Ed Abrahamson, Multnomah County Transportation Division
H9	1	Letter dated May 22, 2000 from Dick Matthews, Oregon Historical Society
H10	1	May 23, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department with cover sheet
H11	9	Letter dated May 23, 2000 from Robert W. Wiley with photographs
H12	22	Packet of Information, Faxed May 23, 2000, from Lora Price, Metro, Responding to a Request from staff for Documentation on Prior Land Use approvals at Howell Territorial Park, with cover sheet
H13	66	Copies of Four Prior Conditional Use Approvals at Howell Territorial Park, Referenced under Case File #CS 37-63, #C 3-67, #CS 23-69, and #CS 3-74
H14	5	Fax Received May 24, 2000 from Lora Price, Metro, with cover sheet
H15	1	Fax from Dave Koennecke, President, Sauvie Island Bridge Committee, received May 24, 2000
H16	1	Sign-in Sheet Listing Parties that Testified at the May 17, 2000 Public Hearing
H17	2	Letter from Staff to the Hearing's Officer dated May 24, 2000
H18	1	May 31, 2000 Fax from Lora Price, Metro, Requesting Additional Time to Respond to Materials Submitted to the Record During the Seven Days Following the Hearing
H19	2	May 31, 2000 Fax, with cover, from Liz Fancher, Hearings Officer, Outlining a Revised Schedule for Submittal of Additional Evidence
H20	2	June 7, 2000 Fax, with cover, from R.W. Wiley, an Adjoining Property Owner
H21	5	June 7, 2000 faxed letter, with cover, from Lora Price, Metro, Responding to Materials Submitted to the Record During the Seven Days Following the Hearing

Hearings Officer Decision:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
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J1	55	Hearings Officer Decision, with cover, mailed July 7, 2000
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Documents Submitted For October 26, 2000 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
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K1	5	July 12, 2000 Fax from Staff to Metro, Containing Notice of Review Appeal Forms
K2	5	Notice Of Review Filed By The Applicant July 19, 2000, with copy of the Check for the Appeal Fee and Transcript Deposit
K3	1	July 24, 2000 letter from Laura Price, Metro, Requesting that the Appeal Hearing Before the Board of County Commissioners be Rescheduled to September 14, 2000
K4	61	August 17, 2000 Request For Board of County Commissioners Appeal Hearing Date of September 14, 2000, with attachments
K5	4	Notice of September 14, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed August 24, 2000
K6	1	Receipt for Posting Signs, dated August 24, 2000
K7	2	Faxed letter dated August 30, 2000, with cover, from Metro to Staff Summarizing Their Main Issues for the Appeal Hearing
K8	1	Applicant's Affidavit of Posting for the September 14, 2000 Hearing
K9	1	September 6, 2000 fax from Metro requesting that the September 14, 2000 hearing

		be rescheduled to October 26, 2000
K10	1	September 6, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department, to the Board of County Commissioners
K11	63	Request For rescheduling of the Board of County Commissioners Appeal Hearing Date to October 26, 2000, with attachments
K12	4	Notice of October 26, 2000 Board Of County Commissioners Public Hearing on the Appeal of the Hearings Officer Decision, mailed September 7, 2000
K13	1	October 2, 2000 letter from Staff to Metro, Containing Posting Instructions for the October 26, 2000 Hearing
K14	1	Notice of Corrected Hearing Location for the Board of County Commissioners Appeal Hearing, mailed October 3, 2000
K15	4	September 25, 2000 letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K16	12	October 10, 2000 faxed letter from Laura Price, Metro, Responding to the Hearings Officer Decision Denying their Application for Conditional Use Permit
K17	4	October 10, 2000 faxed letter from Metro's Traffic Engineer, Marc Butorac, P.E., Kittelson and Associates, with attachments
K18	2	October 12, 2000 letter from Ed Abrahamson, with Multnomah County Transportation
K19	3	Key Issues And Recommendation Matrix Prepared By Staff for the October 26, 2000 Public Hearing
K20	2	Staff cover letter for Board of County Commissioners Hearing Packet, prepared October 16, 2000
K21	10	Mailing Lists Used for Public Notices
K22	2	Memorandum from Ed Abrahamson to Planning Staff, received June 15, 2000, Requesting Right-Of-Way Dedications, Deed Restrictions, and Easements
K23	1	Letter from Drew Hansen, Sauvie Island Resident, received October 23, 2000
K24	6	Letter to Ed Abrahamson from Ali Eghtedari, P.E. dated October 24, 2000 with attachments
K25	30	Metro Presentation Packet for the Board of County Commissioners October 26, 2000 Hearing
K26	1	Letter from Bruce Hansen, Sauvie Island Resident, received October 26, 2000

Documents Submitted For January 4, 2001 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
L1	3	October 30, 2000 letter from Metro describing Public Involvement Activities for the Howell Territorial Park Master Planning Process
L2	3	November 9, 2000 fax from Metro discussing Issues to be Resolved following the October 26, 2000 Hearing
L3	2	Fax from Metro, received November 27, 2000, requesting the follow-up Hearing date be rescheduled to January 4, 2001
L4	1	December 1, 2000 e-mail from Ed Abrahamson, indicating that Transportation Division Issues are addressed with the revised Transportation Management Plan for Howell Territorial Park
L5	2	Agenda Placement Form requesting the Board reschedule the follow-up Hearing date to January 4, 2001
L6	5	December 13, 2000 letter from the Sauvie Island Boosters listing their concerns with this application
L7	22	Metro analysis to support supplemental Findings prepared for the January 4, 2001

		Hearing, with attachments
L8	1	Staff Response to December 14, 2000 e-mail from Julie Cleavland, regarding the applicability of ORS 215.283(2)(d)
L9	3	Fax letter from the Sauvie Island Fire Department, received December 20, 2000
L10	4	Farm Management Plan for Howell Territorial Park prepared by Metro, received December 26, 2000
L11	11	Supplemental Findings and Proposed Conditions of Approval, Prepared by Metro for the January 4, 2001 Hearing
L12	2	Staff Seven Points Summary for the January 4, 2001 Hearing
L13	3	Key Issues And Recommendation Matrix Prepared By Staff for the January 4, 2001 Hearing
L14	4	Draft Motion with Recommended Conditions of Approval, Prepared by Staff for the January 4, 2001 Hearing

**To: Metro Parks and Greenspaces, Multnomah Co.
Planning Staff and County Commissioners**

**Regarding Howell Territorial Park and
Construction projects proposed by Metro Parks and Greenspaces
in case file CU 0-2**

We clearly must protect the historic integrity of the house and grounds for future generations to see what an old homestead in Oregon was like.

A. Conflicts with EFU zones in accepted farming practices and increasing costs to neighboring properties (One example: applications of herbicides and pesticides on adjoining farmlands would conflict with park usage and add financial burden to farmers). A responsible farm plan has not been submitted.

B. Engineering studies are very convincing in requiring a right turn lane to accommodate the proposed added traffic per year at the Howell park road off Sauvie Island Rd.; however, it would be extremely unusual for the Dike authority (Sauvie Island Drainage District and Corps of Engineers) to risk the structural integrity of the dike by approving such a plan. Depending totally on the Transportation people to come up with a traffic management plan for each event is a non-answer to the traffic question. We need assurances before this permit is accepted and are not interested in the "wait and see" attitude after the fact. Therefore, it makes more sense to ask that no more visitors per year be invited to the park to assure the roads and our elderly bridge will not be further impacted.



C. Sauvie Island Volunteer Fire Department is dispatched at each 911 call whether it is a fire, health emergency or traffic accident. Adding thousands more people to the Island each year will obviously add more calls to 911. The volunteers fight fires once in a while, but most often are dealing with pulling duck hunters out of the mud, helping people in traffic accidents, bike accidents, and health problems. Having an emergency truck at the Park will not stop all those types of calls associated with visitors.

We want to continue to invite "visitors" who seek this park because of the historic nature - we do not need "users" who are simply looking for a place to party. The metropolitan area has many wonderful parks for picnics and parties. Also, this is currently the only public place a person can drive, park their car and have a picnic for *free* on the Island.

Conditions of Approval of Conditional Use permit required by the Sauvie Island Committee:

- 1. Parking:** The fields should remain as fields and used as overflow parking for the Wintering In and smaller events of up to 300 people, such as weddings. The proposed hard surface parking area detracts from the view of the house, is unsightly from Sauvie Island road and not necessary as we do not want to invite more people to the site than currently visit each year.
- 2. Traffic:** The numbers of vehicles visiting the Island increases yearly, while the roads and bridge just get older and are not scheduled for significant maintenance anytime soon. We must react to stop the increases at every opportunity. The heavier the traffic, the more opportunity for 911 response calls (dealing with fires, health issues, vehicle accidents, car break ins), difficulty for farm traffic, congestion for those who live and work here. (We will be working with other agencies to limit traffic to the beaches during the summer, but that is another subject.)
- 3. Trails:** The proposed trails would dramatically alter the wildlife habitat that exists today and should not be as extensive as illustrated in the proposal. What good is a path to see the birds if we run the birds out of their homes? Viewing blinds don't fool shy species of wildlife. A few walkways near the house and barn to allow a wheelchair access would be acceptable.
- 4. Barn and House:** Remodeling the existing barn to create larger restrooms would be very favorable as it is imperative that restrooms be

made available at that location for year round accessibility. The security of the antiques, etc. must be maintained, therefore, a separate entrance is important.

Continuing to feature the antique equipment and other implements used in the late 1800's would be extremely helpful in educating those visitors who are interested in local history.

Metro representatives made a suggestion at one of the meetings with Sauvie Island residents that they hope to turn an unused area of the barn into a classroom for future visits from school children. This we applaud.

House: The house needs a great deal of maintenance- A certified inspection must be done to determine the work and methods of repair to be accomplished; we agree with Metro's proposal that a kitchen be brought back to replicate the time of the wood-burning cookstove. It could be made available for a small class to observe how food was preserved, daily meals prepared. The pitcher pump would be located in the sink or just outside the door - Oregon Historical Society has photos of such which should be consulted for design authenticity.

5. Restroom structure: An additional restroom building is not necessary. The Restroom should be located inside the existing barn structure. Restrooms should be available more hours to accommodate bird watchers, bicyclists and others during the year.

6. Covered Picnic Shelters: In the early days families laid out a blanket under the trees for a picnic- if there was a light rain, or a very hot day, they would move into a grove of trees. To enjoy this historical site appropriately, one should expect to sit on the ground or at one of the existing picnic tables. We feel we must stress how important it is to not create more structures to this site.

7. Viewing area: Viewing should be restricted to that space near the existing structures so as not to disrupt the ground by leaving human scents and compact it with too much foot traffic.

8. Cows: It is important that cows graze in the back field. Visitors should expect to see them there and the animals are part of the balance. Perhaps chickens, ducks and guinea hens could be added.

9. Interpretive panels: It is very important to have information for the self-guided tours, however, this can be carried out in a number of ways other than large plastic panels placed throughout the grounds. We suggest the panels replace those on the swinging post that is now located on the back porch of the house. They should also be published in the form of brochures. The Significant Environment Concern criteria states in MCC.6408 c (paraphrase: guidelines regarding ways to attain visual subordination include) "Use of nonreflective or low reflective materials and dark natural or earthtone colors."

Note: The Significant Environmental Concern (SEC) has identified the following areas as public areas that provide important views of a significant scenic resource (and include both sites and linear corridors):

Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

"Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings."

10. Lighting: Also from MCC.6408 "No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials." Since the hours of operation of the park require closing at sundown, there are no reasons for exterior lighting. This too would preserve the visual integrity of the landscape.

11. Farm Plan: The importance of a Farm Plan cannot be stressed enough! This is the blueprint for farm maintenance and management.

Local farmers are required to have a plan, why should Metro be different? Noxious weeds have been a continual problem on the property as well as insect infestations, which would be controlled if one followed an *approved* plan. We have asked for and not received a Farm Plan.

12. Representation: The residents on Sauvie Island do not have representation on the Metro board and are not able to vote for that body, therefore, we propose a Board of Island residents be established to oversee the activities and decisions affecting public areas on the island owned and operated by Metro Park and Greenspaces Department. This Board would not be a standard citizens review board, but a recognized body who would have equal representation in all ways to those seated on the METRO council.

This would be a board with authority to discuss and create policy for the operations of properties on the Island, along with, but not limited to, hours of operation, events of interest, schedules of events, permits for alcohol, color of paint, etc. This would help establish trust which is severely lacking between the community and METRO.

An example of our lack of trust for METRO: Our boat ramp was recently rebuilt without input from our community. We now have a NEW boat ramp that only allows one boat at a time to enter and exit instead of two with the old ramp. If the fire truck -with the station a short distance from the ramp- needs to fill up with water and one of you are trying to enter or exit the waterway, you will be hindering the safety of someone who needs the water!

13. Ballot measure 7: What will happen to the property values of those parcels of land adjoining the Howell Park and what governmental body will be financially responsible? The impact could be very negative for those farmers.

We neighbors of the Park strive to be environmentally savvy people everyday, not simply when politically convenient. Our motive is to keep the park clean, existing structures safe and to be good stewards of the land and most of all, good neighbors.



METRO

December 19, 2000

Mr. Derrick Tokos
Multnomah County
Land Use Planning
1600 SE 190th Ave.
Portland, Oregon 97233

Dear Mr. Tokos:

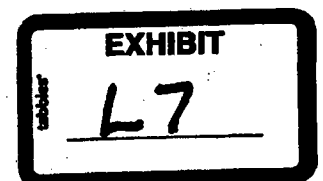
The attached information represents Metro's follow up to address thoroughly the three remaining issues that you identified at the October 26th hearing in the review of our Conditional Use permit application for Howell Territorial Park. These issues are:

- 1) potential impacts to surrounding farming practices,
- 2) potential traffic impacts, and
- 3) potential emergency response demands as a result of the proposed park improvements.

We feel that this information, in combination with the work and findings we have provided to date, satisfactorily addresses the issues associated with our application, and we hope it meets with your approval as well.

Sincerely,

Lora Price
Regional Planner



1. REVISED ANALYSIS OF POTENTIAL IMPACTS TO SURROUNDING FARM PRACTICES

I. Analysis Area:

The owners identified below represent all farming ownership surrounding the park, and an impact area of one half mile. On August 29th, 2000, Metro met with surrounding farmers and residents, Dennis Grande, Robert Wiley, George Douglas, Laura Weaver (Bailey Nursery) and Tamara Fulton (resident) to determine specific farming practices and hear concerns.

II. Inventory and Record of Farmer's Concerns:

Adjoining Farm Properties	Farm Uses	Farm Practices
Dennis Grande 78 acres* North of park	Leased Nursery Stock Production Leased Retail Farm Market	Field preparations- plowing & disking Nursery stock, planting, cultivating, irrigating, and pruning Pesticide and herbicide applications Harvesting and crop delivery to markets On-site sale of produce & goods to public
Robert Wiley 87 acres* Northeast of park	Row and Hay Crops, Cattle	Field preparations- plowing & disking Planting, cultivating, irrigating, Pesticide and herbicide applications Harvesting and crop delivery to markets
Harriet Douglas 80 acres* East of park	Leased Nursery Stock production and Row Crops	Field preparations- plowing & disking Nursery stock & row crop, planting, cultivating and irrigating Pesticide and herbicide applications Harvesting and crop delivery to markets
George Douglas 56.5 acres* Southeast of park	Orchard and Row Crops	Field preparations- plowing & disking Planting, cultivating, irrigating, and Orchard pruning Pesticide and herbicide applications Harvesting and crop delivery to markets
Erwin Douglas Estate 106.80 acres* South of park	Leased Row Crop production	Field preparations Planting, cultivating, irrigating Pesticide and herbicide applications Harvesting and crop delivery to markets

* Acreage is approximate.

Mr. Grande lives adjacent to the north boundary of the park. His land is leased to Bailey Nursery who produces landscape nursery stock. The nursery's farming practices are outlined above. Their harvesting season (which results in their most intensive use of the roadways) is during the months of November through February. Pesticide applications occur in the following manner: Round up is applied in March to cover crops. Pre-emergent herbicides are applied between April and June in bands over plant rows by a boom sprayer. Insecticides are applied only on an as-needed basis. Herbicides are applied through irrigation in the fall around September. Aerial spraying does not occur and all pesticide applications are applied according to standard practices, to have minimal or no hazard from spray drift. The minimum distance between Bailey's fields and public use areas of the park is approximately .23 miles or 1200 feet.

Mr. Grande also leases out Krueger's Market, a farm market stand, which sells u-pick flowers, plants, produce to the public during the summer and fall seasons.

Mr. Wiley resides to the northeast of the park across the Gilbert River. His farm also contains row and hay crops and he raises cattle. Row crops are typically rotated and harvest time of a particular field will depend on the crop planted. Mr. Wiley reiterated his concerns about our management of the agricultural portions of the park property that have resulted in a significant noxious weed problem and fences in disrepair. He would like to see those portions of the park property that are not actively used for park uses be managed for more conventional agricultural uses, according to established farming practices.

Ms. Harriet Douglas resides west of the park property on the opposite side of the Gilbert River. A portion of her land is leased to Bailey's Nursery for landscape nursery stock production. The remainder is farmed in row crops. Access to her farm is from Howell Park road. Tamara Fulton lives near the end of Howell Park road and has informed us that summer visitors to the island often come down Howell Park Road, past the park, looking for Howell Lake or generally exploring. The visitors generate dust and have trampled shrubs in an attempt to turn around. She requested better signage at the end of the public road to inform people and prevent them from travelling on to the private road.

Mr. George Douglas resides southwest of the park boundary. His farm contains orchards and also produces vegetable row crops. The orchards require pesticide applications in each season. Again, the sprays are applied according to standard practices to avoid any drift. His orchard is located .3 miles or 1900 feet from the park. Sweet corn (grown for the fresh market) receives periodic spraying throughout the summer for corn borer after the first silk sets. Spray is air blasted directly over the corn in narrow bands. Applications are timed to avoid drifting.

Mr. George Douglas expressed concern about the park's orchard. He heard that it might be harboring the apple ermine moth, which could potentially impact his orchards, if present. He also expressed concern regarding any widening of the dike and or construction of a bike path. The dike enables the farming existence on the island and it contains several toe drains, which are necessary for its structural stability. He does not want to see the dike tampered with. He expressed a general concern over the cumulative effect of added activities to the island, and resulting traffic impacts.

The Erwin Douglas property is adjacent to the south boundary of the park. This land is leased to Sauvie Island Farms who grow annual row crops. Farming practices are similar to other row crop practices. The closest field to our property is located approximately 600 feet from public use areas of the park.

The consensus view of the landowners at this meeting is that they were comfortable with the existing park uses, including the wedding parties and the annual Wintering-In Festival. Their primary grievance with Metro is with regard to management of the

agricultural (pasture) lands within the park boundary, particularly with respect to weed control. Aside from the two impacts, weeds and fencing, that were raised at the public hearing, other farm practices have not been impacted by park uses to date. The primary concern related to the proposed park improvements is increased use of the park and the potential traffic impacts that may result, which could impact movement of machinery and delivery of crops to market. Relating to traffic, landowners explained that the Sauvie Island Bridge is the bottleneck or "Achilles heel" which causes traffic back ups getting off or on to the island during peak periods of use, i.e. events, pumpkin season and weekend beach weather days.

When future use of the park was described, the landowners were generally comfortable with the anticipated numbers of visitors that group picnicking and/or wedding parties would bring to the park, generally consisting of participant numbers under 300/day, with cars averaging 100 or less. Events pose the biggest potential impact on island traffic and landowners would like to be assured of a limit on events, and particularly do not want any additional events during the peak harvest season, which already brings substantial volumes of visitors to the island.

On November 16, 2000 Metro met with the Booster Club to obtain additional farming practice information and hear concerns. Attendance at the meeting consisted of 23 residents from Sauvie Island and the Multnomah Channel, 19 of which were active farmers. The following information and concerns related to farming were stated:

- Shipping of produce may occur on weekends, particularly with perishable crops such as sweet corn or sweet peas where shipments cannot be delayed.
- Sweet peas are harvested at the end of July or beginning of August; sweet corn crops are harvested from mid-August through September. June and July are generally very open months with respect to harvesting of crops. Any additional events would have the least impact to delivery of harvests during these months.
- Residents reiterated concern that any other large events of a scale similar to Wintering-In could negatively impact getting shipment of crops to market.
- Mr. George Douglas expressed his concern that he could be held liable for pesticide drift to the public.
- Ms. Trupp indicated that their pesticide management does include aerial spray. Their property is 2+ miles north of the park.
- Mr. Trupp expressed a general frustration that farmer's hands are tied to do any development on farmland, so they don't see why Metro should be able to develop. He also said, if we could get rid of some of the heavy beach use, he wouldn't mind more visitation to the park.
- Mr. Dennis Grande reiterated that he would like to see Metro provide a comprehensive farm management plan for its agricultural property within the park.

December 8, 2000 - Telephone interview with David Egger, owner of Sauvie Island Farms, who leases from the Erwin Douglas Estate (land adjacent to the park).

On the land adjacent to the park, Mr. Egger grows annual produce crops such as sweet corn, cabbage, pumpkins or cucumbers. Crops are rotated from year to year. Fields receive a herbicide treatment in spring, then are tilled and planted, usually in mid-late May. Depending on the crop, a fungicide or herbicide may be applied early in the plant's growth. Cabbage needs to be treated with a pesticide every week-10 days. Spray is applied with a 60' boom in bands 12-18" over the crop. For sweet corn, which is grown for the process markets rather than fresh produce, he applies an insecticide in the soil prior to planting and does not apply pesticides later when corn sets silks as is done for the fresh market corn crops. Corn is harvested in late August, cabbage can be harvested from August through November, pumpkins are harvested in September and October, and cucumbers, which are a quick 60 day crop, is harvested in late July.

The issues that Mr. Egger expressed in relation to farming were: the weight limitations of the bridge and it being the pinch point for traffic; bicyclists on the road which generally hold up traffic when they ride abreast and pose a real safety issue when farmers are trying to move equipment on the roads. He also reiterated the view that because he and many farmers on the island feel their hands are tied by land use zoning, it would seem that the rules are being bent for us, if development is allowed in the park.

III. Description of Park's existing and proposed use:

Existing park uses that take place within Howell park include the following: Oregon Historical Society led tours of the house and barn museum, single and group picnicking, Metro led nature walks, OHS led school field trips, reserved weddings and the annual Wintering-In festival. Other activities on the land include maintenance of pasturelands and leased grazing to Marjorie Tabor. With the proposed improvements, the same activities are envisioned. No new activities are being introduced in the park, nor is the general area of park use being expanded within the park.

What is anticipated to change is the level of use. With an all season parking lot and covered shelters, it is expected that use of the park will expand somewhat into the fall, winter and spring seasons and not be limited to summer. We expect that education and interpretive programs will occur during the school year. In addition to accommodating education programs during the school year, the shelters will also accommodate the wedding parties that now use the park and will accommodate more group picnicking during the summer for visitors seeking the unique character of the park. Existing visitor use estimates are approximately 8000/year. Future use projections, based on improvements and expanding interpretive and education programs, is 18-20,000 visitors/year. To put these figures into context, existing park use represents approximately 1.5 % of the 500,000 annual visitors that the wildlife refuge receives and with the expanded use, visitation will represent 4%. The long term projected use will represent only .8% of the traffic on Sauvie Island Road, as calculated by a traffic engineering analysis.

IV. Impact Analysis:

There are three primary potential impacts to farming practices that concern surrounding farmers. These are 1) potential for pesticide drift to park users, 2) management of pastures and orchard within the park, and 3) potential traffic impacts affecting their abilities to move machinery and deliver crops to market.

1. Pesticide drift to park users and resultant cost to farming practices: The farmers immediately surrounding the park indicated that pesticides are applied by boom sprayers and air blasting. None indicated that aerial spraying is employed. The distances between agriculture fields where spraying occurs and park use generally range between 1200 and 1900 feet, with the exception of one field on the south border which is located 600 feet from the park use area. A letter from the Columbia county Extension Agent, Chip Bubl, states that less than 1% of spray mixtures are typically detected at 75 feet and there is generally no detection beyond 300'. **Refer to attachment A, letter from Mr. Bubl.** Due to the nature of surrounding spraying practices, the distances between park use and agricultural practices and the existing vegetation buffers at the perimeter of the park, the potential for this impact is extremely minimal and unlikely. The proposed park improvements should not require owners on surrounding lands to change their pesticide application practices.
2. Management of agricultural land within the park: The goal for Metro's long term management of the pasture and lake are to control invasive species, maintain healthy pasture/meadow through appropriate use of mowing, grazing and fertilizing, and to enhance wildlife utilization of the site by establishing native vegetation adjacent to the Howell Lake, the Gilbert River and perimeter fence lines. As stated prior, Metro has initiated a plan to combat noxious weeds by contracting with a commercial pesticide applicator to spray the pasture and fence line with the herbicide Garlon 3A. Initial spraying of the pasture took place on September 28, 2000. As a follow up, Metro met with Columbia County extension agent Chip Bubl on December 4, 2000, to assess pasture condition and make recommendations for its long-term management. **See attachment B, letter from Mr. Bubl.** Metro is currently working with Mr. Bubl to prepare a management plan for the pasture, which we expect to be able to provide on January 4th. We are committed to working with the Extension Service to fully implement the plan to renovate and maintain the pasture in healthy condition. Another herbicide application will be applied in the spring, April-May 2001. Results of the spring application will be analyzed to determine if additional spraying and/or reseeding is warranted. In addition, permanent repairs/replacement of the north fence line will be made by next spring.

On December 11, 2000, Metro contacted Richard Worth of the Oregon Department of Agriculture again regarding the park's orchard. Mr. Worth originally informed us that there was not a problem with the apple ermine moth; that it is controlled by natural predators. He informed me that given the distances

between our orchard and others and the standard spray practices of orchard farmers, our orchard poses insignificant impacts to others on the island. He also stated that ODA conducts routine trapping surveys to monitor insect pests, which generally assure that orchards on Sauvie Island will be monitored, and they will monitor the orchard at Howell Park on an annual basis. **See Attachment C, memorandum from ODA.**

- Metro will accept a condition of approval to ensure implementation of perimeter fencing, pasture renovation & long term monitoring and management of pastures and the orchard.
3. **Traffic Impacts Related to farming:** Typical summer weekend park use is not expected to cause congestion on Sauvie Island Road. The traffic analysis prepared by Kittelson & Associates calculates the projected traffic attributable to the park improvements to represent only .8 percent of the traffic on Sauvie Island Road. It is peak use such as an event that causes concern to farmers about traffic congestion and ability to transport equipment and/or crops on the roads. To address potential traffic impacts created by events, Metro proposes the following:
- Future events will be limited to 3 per year, including the long established Wintering-In Festival. The other new events will be capped at 1000 participants and will be timed to avoid the peak harvest period on the island, August 15-October 31.
 - For any future event held at the park, a Transportation Management Plan will be implemented. Metro has met with Ed Abrahamson of the Multnomah County Transportation Division and agreed to requested revisions of the TMP which ensures the Sheriff's Office participation in the plan and ensures coordination with the Transportation Division in addition to the Sheriff's Office. **See attachments D and E.**
 - In addition, Metro will provide at least three weeks notice to surrounding farmers of any future upcoming event to enable them to plan for alternative routes or timing of activities, if needed.

V. Conclusion

The documentation provided in our analysis, combined with the conditions of approval offered by Metro to mitigate potential impacts, serve to demonstrate that the proposed park improvements will not interfere or change the method, or costs of current farm practices.

2. POTENTIAL TRAFFIC IMPACTS

Metro staff met with Mr. Ed Abrahamson of the Multnomah County Transportation Division on November 7th to discuss potential traffic impacts. The Transportation Division determined that the engineering analysis submitted substantiates that a turn lane into the park is not warranted for typical anticipated park use. Revisions to the Traffic Management Plan (TMP) were requested to ensure that event traffic is accommodated safely and with minimal impact to traffic flow on the island. **Attachments D and E**

incorporate the requests to include the Transportation Division in the review of the TMP prior to any future event, to obtain sign permits for any event signage placed within the right-of-way, and to obtain a letter from the Sheriffs Office confirming their participation in the Traffic Management Plan.

3. POTENTIAL EMERGENCY RESPONSE DEMANDS ON SAUVIE ISLAND FIRE DEPARTMENT

On November 14, 2000, Metro staff attended the monthly Sauvie Island Safety Action committee meeting to discuss the park proposal in relation to emergency response concerns. Approximately 12 residents and/or members were in attendance, including Jean Fears (committee chair), Don Posvar (Fire Chief), Mark Nebeker (wildlife refuge manager) and a Multnomah County Sheriff's officer. We responded to general questions and provided clarification on the content of our proposal and projected use associated with it. We presented our responses to address the emergency concern. **Attachments F and G** outline our evidence and proposed conditions to ensure that the park will not generate an unreasonable demand for emergency services that can not be met or puts undo cost on the Fire Department. Mr. Posvar indicated at the meeting that the level of service the park would likely require, based on the information and provisions explained, was acceptable. As we have stated prior, there is no evidence in our records over the past 10 years, that the fire department has been called upon to treat visitor emergencies in the park. In fact, the only time the fire department has been called to the park, was due to a false alarm in the house caused by hibernating boxelder bugs inside the alarm; more a factor of the park's lack of attendance and sufficient staffing.

- Metro is proposing as a condition of approval, to continue to provide an onsite ambulance and medical team during the Wintering-In festival, and will provide staffing on site through the summer season that is trained in CPR/first aid and equipped with first aid provisions.



Farm Analysis Area

☐ Tax Lots
☐ Analysis Area

N
A



December 7, 2000

Janelle Geddes
Regional Park Supervisor
METRO Regional Services
600 Northeast Grand Avenue
Portland, OR 97232



OREGON
STATE
UNIVERSITY

Courthouse
St. Helens, Oregon
97051

Telephone
503-397-3462

Fax
503-397-3467

Dear Ms. Geddes:

The following comments are offered to address potential risks associated with increased public use at Howell Territorial Park in relation to adjacent pest management farming practices.

In visiting with you and Dan, the geographic facts as I understand them are as follows:

1. The proposed improvements will primarily occur east of the house itself.
2. There are commercially managed orchards and croplands about 2,000 feet to the southeast that are separated in part by a windbreak of 25-30' Douglas-firs on the Bybee-Howell property as well as large firs and hardwoods on adjacent properties.
3. There are continually farmed fields (nursery, croplands, and grass seed) to the north, east, and south 600 - 2000' away.

Farmers use an array of techniques to manage pests. Sprayed pesticides (whether organic or synthetic) are among the techniques employed for crop protection.

Spraying can be done on the ground with tractor mounted boom sprayers or by aerial application. The farmers may do their own ground applications or hire a contractor. Most farmers and all contractors have pesticide applicator licenses from ODA. All aerial applications are performed by specialized contractors licensed to perform those operations.

Pesticide drift can be caused by droplet movement or chemical volatility. The public health risk is a factor of the toxicity of the product and the exposure. Most products are diluted 1:50-1:100 or more in the spray mixture.

Pesticide applicators understand their legal liability relative to drift. Most cases of drift investigated by the Oregon Dept. of Agriculture (who have legal jurisdiction in these matters) involve crop injury due to herbicide drift or contamination of an organic crop by a conventional pesticide.



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension/Sea Grant Programs. Oregon State University, United States Department of Agriculture, and Columbia County cooperating. The Extension Service offers its programs and materials equally to all people.

Drift management starts with proper nozzle selection and proper spray application pressure. The applicator is seeking the largest droplet possible (which will reduce drift) without sacrificing an effective spray coverage pattern. Drift retardant products may be added to the spray mixture. Weather conditions, such as wind speed and direction, temperature, and relative humidity also play significant roles in drift risk.

Droplets of less than 150 microns in size pose the greatest risk of off-site movement. Research in England showed that a 100-micron droplet, released into a 5-mph wind, would drift about 75 feet before hitting the ground. New Zealand research in a kiwi orchard showed .1-1% of the spray mixture was picked up at 75' downwind. This continued to decrease with distance. There was generally no detection beyond 300'.

Germany, which probably has the strictest pesticide regulations, imposes a 150' buffer from the edge of the application to an adjoining use.

Research in both England and New Zealand indicates that any substantial vegetation barrier (as exists on the Bybee-Howell property) further reduces risk.

There generally is no greater drift from helicopter applications if the equipment is properly operated, wind protocols are observed, and targeting is accurate.

The proposed use expansion at the Howell Territorial Park is prudent relative to potential pesticide exposures. With less than 1% of spray mixtures typically detected at 75 feet, the 600-2000 foot distances between park use areas and agricultural operations, combined with the lines of trees providing additional buffer, present an ample margin of safety.

If you feel that you need more information relative to the pesticides that might be used on adjoining properties and their relative risks in given drift scenarios, please don't hesitate to call. As I indicated on Monday, I will put together some comments and recommendations on pasture management for the property and work to get them to you next week.

Sincerely,



Chip Bubl
Extension Agent, Horticulture
Staff Chair

Attachment B

EXTENSION SERVICE
Columbia County Office



OREGON
STATE
UNIVERSITY

Courthouse
St. Helens, Oregon
97051

Telephone
503-397-3462

Fax
503-397-3467

December 18, 2000

Janelle Geddes
Regional Park Supervisor
METRO Regional Services
600 NE Grand Ave.
Portland, OR 97232

Dear Ms. Geddes:

The following are some of my thoughts about pasture management in general and about the management of the Howell Park in particular.

The objective of any pasture-based livestock operation is to raise a good stand of forage and then use livestock to turn the pasture into money. All too often, emphasis is placed on the stock rather than the pastures, to the detriment of both.

Western Oregon presents some particular challenges and opportunities. Our major grazing season runs from April 1 to October 30. About 60% of the total forage produced all year will grow between April 15-June 15. Rotational management can be a great help in maintaining pasture quality. Stocking rates of 2-3 acres per cow/calf pair are normal for decent pasture. Rates can be as high as one 5-700# steer/acre in the spring. Judicious use of fertilizer can strengthen the pasture and provide more forage at critical times.

Our cool, wet winters make grazing from November through March difficult, both in terms of the need for supplementary feed and in the damage that cattle and horse grazing can do to pastures. When the soil is water-saturated, excessive hoof traffic over those soils can "pug" the ground, compressing the soils and damaging the plants. Often, heavily winter-grazed pastures don't perform well the following spring. In addition, weak grass stands are more easily invaded by weeds.

The farmer has an obligation to minimize adverse impacts of livestock operations on water quality or on neighbor farms. Good weed management and good fences will go a long way to good neighborly relations. Effective weed management is generally a function of a strong pasture combined with some periodic spot spraying to keep the inevitable invaders under control.

Water quality concerns are more complex. With the intense winter rainfall pattern, it is crucial that the farmer manage manure to keep it out of moving water. Good riparian vegetation buffers that can intercept surface



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension/Sea Grant Programs. Oregon State University United States Department of Agriculture, and Columbia County cooperating. The Extension Service offers its programs and materials equally to all people.

water are important. Additional improvements to reduce the potential for manure runoff could include downspouts and gutters on barns, covered barn manure storage, passageways that are rocked and underlaid with geotextile fabric, and fencing around riparian areas.

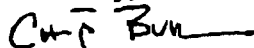
In my brief visit and walk on the property, I found the pastures to be in decent condition. The grass stand was good, but fall growth was clipped fairly tight. It would be appropriate to lower the grazing pressure as soon as possible. This could be done by semi-confinement feeding combined with limited grazing, selling some of the stock, or preferably, both.

The pastures seem to be well drained. However, it has been a mild and dry fall and this could be deceiving. I believe that the pastures would respond to fertilizer. Whether this would be appropriate given the lease arrangements is probably debatable. However, I would be happy to visit with you about specific products, rates, and timing and expected results.

Weed management needs are somewhat hard to assess this time of year since some of the worst weeds (like Canada thistle) are hidden now. The neighbors are most concerned with tansy (or so I gather from conversation with you). There is evidence of flea beetles eating on the tansy. It is possible that they may offer some significant control this next year. However, they do take awhile to build up a critical mass to really eliminate the tansy, so continued spraying is probably justified. Again, I would be happy to visit with you about specific products and timings as well as non-chemical approaches. Canada thistle can be worried, though not completely controlled, through repeated mowing. We can visit on specific options.

As I sat down to write this, I had intended to be more prescriptive. I could give you a management plan that said with the cattle stocking rate at such and such and the management budget as so and so, here are the best ways to spend that dollar and the management time for this desired outcome. I guess that I feel I need more parameters, both in relation to what METRO is willing to do and to what the lessee is willing to do and what the desired outcomes for the short and long term are. It is entirely possible that the current practices, possibly supplemented with some timely fertilizing, a little spot weed control and perhaps some help for the lessee in reducing the herd at appropriate times is all that is needed. Let me know where you wish to take this process.

Sincerely,



Chip Bubl
Extension Agent
Staff Chair

Attachment C

Received: from istanbul.
(istanbul [192.168.5.1])
by gwmail.metro.dst.or.us; Tue, 19 Dec 2000 10:40:03 -0800
Received: from [192.152.7.104] ([192.152.7.104])
by merlin.oda.state.or.us (8.9.3+Sun/8.9.3) with ESMTP id KAA23022
for <Pricel@metro.dst.or.us>; Tue, 19 Dec 2000 10:39:01 -0800 (PST)
Mime-Version: 1.0
Message-Id: <v04220801b665420fbf9d@[192.152.7.104]>
In-Reply-To: <sa34cbc0.007@gwmail.metro.dst.or.us>
References: <sa34cbc0.007@gwmail.metro.dst.or.us>
Date: Tue, 19 Dec 2000 10:39:02 -0800
To: "Lora Price" <Pricel@metro.dst.or.us>
From: Richard Worth <rworth@oda.state.or.us>
Subject: Re: Orchard at Howell Territorial Park
Content-Type: text/plain; charset="us-ascii"; format="flowed"

Lora,
This message can serve as a written notice of our studies and
conclusions regarding the Apple Ermine moth in the Bybee Howell
orchard. I hope this response answers your specific questions. If
you have any further questions regarding this matter, please give me
a call.
Richard

The Oregon Dept. of Agriculture (ODA) discovered the Apple Ermine
moth (AEM) in Oregon in 1991 in five counties surrounding the
Portland metro area, putting Sauvie Island near the point of
introduction. The ODA, at that time, started studies to understand
the biology and surveys to monitor the spread of AEM in the state. A
biological control program was also started soon after the moth's
discovery. Since that time, the population of moths in the area has
decreased steadily with only occasional, isolated increases. The
population is currently held in check at low, non-injurious levels
and in balance with the population of introduced, natural enemies.

The practice of trimming trees and manually removing fallen fruit
from the orchard is useful in keeping a number of pests, including
AEM at low levels.

The state has a number of insect monitoring programs, including the
AEM. In the past, ODA has maintained flight traps for AEM adults in
the Howell orchard as part of our monitoring program. Although no
study is currently being conducted in the orchard, the ODA would
agree to hang and monitor an AEM flight trap in the orchard during
the flight period of late spring and summer months. This could be
done on an annual or biannual basis, depending on available human and
material resources. No trap was placed in the orchard in 2000. A
trap will be placed there during the 2001 trapping season.

The Oregon Dept. of Agriculture thinks that the orchard at Howell
Park poses little economic threat to local fruit growers. To produce
marketable fruit, many growers implement control programs that often
include early sprays to control disease and insect problems. The low
populations in the Howell orchard should have no significant impact

to surrounding farming practices.

Richard Worth
Insect Program Specialist

>Richard,

>

>I am writing as a follow up to the two conversations we have had
>regarding the heritage orchard at Howell Territorial Park.

>

>As you know, we are in the midst of a land use review process. We
>are seeking to obtain a conditional use permit that will enable park
>improvements to be made at the park. A primary part of this review
>is an analysis of potential impacts the park could have on adjoining
>farm practices.

>

>It is our desire to assure Multnomah County and adjoining farmers
>that our apple orchard will not cause significant negative impacts or
>increased costs to surrounding farming practices. (There is an apple
>orchard located one third mile away from the park.)

>

>I understand that the Department of Agriculture has monitored this
>orchard very closely as a research site every year since 1993 when
>the apple ermine moth showed up in a routine trapping survey, and
>that the population is now held in check by natural parasites.

>

>I understand that our park staff's maintenance practices of pruning
>branches and removing fallen apples are useful cultural practices in
>controlling pest populations.

>

>I also understand that ODA conducts routine trapping surveys to
>monitor insect pest populations around the state and that your
>agency would typically survey this orchard every few years through
>your routine trapping surveys.

>

>In this context, I have a couple questions regarding the heritage
>orchard and would appreciate your expertise in responding to them.
>To what degree does this orchard pose a real or likely impact to
>other orchards on the island? and, Can we be assured that the
>orchard at Howell Park will continue to be monitored by your agency
>on a two year basis through your routine trapping surveys? If
>possible, we would be very interested in having it monitored on an
>annual basis.

>

>I appreciate your familiarity with our orchard and the assistance
>you have provided thus far. I look forward to your attention to
>these questions and concerns. I can be reached at 797-1846 if you
>would like to discuss further.

>

>Thank You,
>Lora Price

>

Richard A. Worth



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

Howell Territorial Park Expansion - Transportation Management Plan

Kittelson & Associates, Inc. has been retained by Metro to develop a Transportation Management Plan (TMP) for special events at Howell Territorial Park located in Multnomah County, Oregon. The TMP described herein was completed based on the findings of our December 28, 1999 Transportation Impact Analysis prepared for the Howell Territorial Park expansion with the site's operational characteristics.

Objective

The objective of the TMP is to facilitate the safe and efficient operation of the overflow parking area, and to safely direct traffic between the overflow parking area and US Highway 30 during special events anticipating 300 or more participants. The overflow parking area is proposed to utilize an open field adjacent to the site and north of NW Howell Park Road. The use of the overflow parking area is expected to be minimal and would only be functional during relatively dry weather conditions.

Warranting Conditions

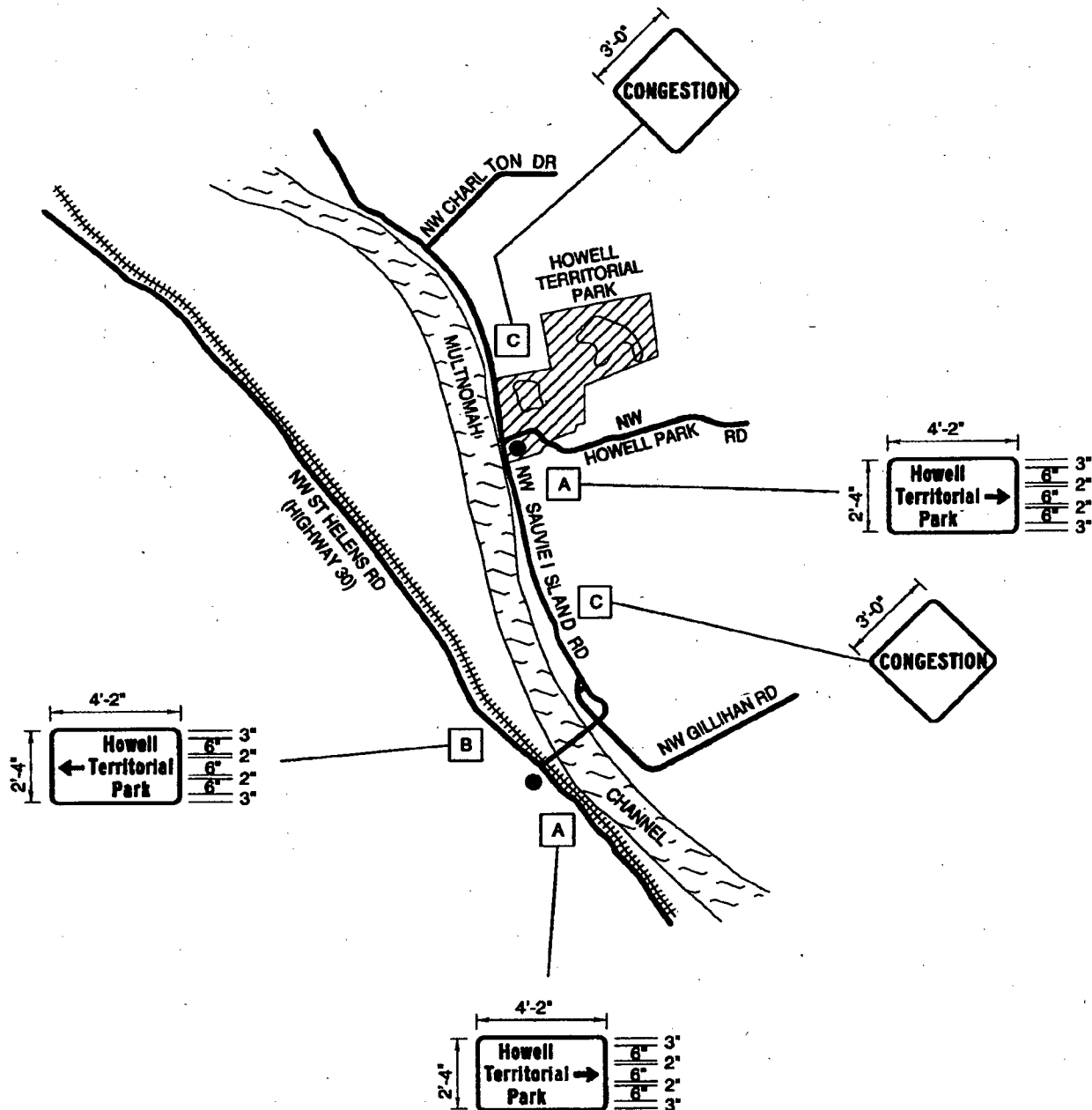
The Howell Territorial Park TMP should be implemented during special events that are expected to generate in excess of 300 or more participants.

Operational Procedures

The following measures should be implemented as part of the Howell Territorial Park TMP.

- 1) **Traffic Control by the Multnomah County Sheriffs Office** – Based on the findings of our December 6, 1999 Transportation Impact Analysis, when deemed necessary, the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's office) should be used to direct traffic in and out of the site driveway and at the NW Sauvie Island Road/Highway 30 intersection. The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event. The use of the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's office) will facilitate safe and organized traffic flow, and discourage drivers from performing illegal traffic movements.
- 2) **Event Signing** – Temporary signing should be provided during special events for which the TMP is implemented. The primary purpose of the temporary signing is to safely direct traffic to and from US Highway 30 and the site, more specifically the overflow parking area. Additional signing will optimize traffic flow and minimize wrong way movements at the site access driveway and the NW Sauvie Island Road/US Highway 30 intersection.
- 3) **Parking Lot Operations** – Temporary signing and striping should be provided within the overflow parking area as measures to optimize circulation and minimize vehicle conflicts. The implementation of striping in the overflow parking area will maximize the available parking, allowing for more capacity, and minimize vehicle conflicts by establishing set circulation patterns within the parking area.
- 4) **Traffic Control Review** - The specific traffic control plan shall be submitted to the Multnomah County Transportation Department for review and approval prior to each special event. Upon approval, Metro shall obtain all necessary signing permits from the County and/or ODOT prior to placing any traffic management signage in the respective right-of-ways.

Figure 1 illustrates the type and location of potential signage and other traffic control devices. The roadway signing should be designed to Multnomah County and/or ODOT specifications. It should be noted that the specific traffic control plan might not include all the elements illustrated in Figure 1.



LEGEND

- A PROPOSED TEMPORARY EVENT SIGNING
- HIGHWAY 30 - NW HOWELL PARK ROAD (PRIMARY ROUTE)
- SHERIFF LOCATIONS

HOWELL TERRITORIAL PARK TRANSPORTATION MANAGEMENT SIGNING AND ROUTING PLAN

HOWELL TERRITORIAL PARK EXPANSION
MULTNOMAH COUNTY, OREGON
DECEMBER 1999

FIGURE

1



3847TMP1



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

December 9, 2000

Lora Price
Metro Regional Parks and Greenspaces
600 NE Grand Avenue
Portland OR 97232

Dear Ms. Price,

I have reviewed the Howell Territorial Park Expansion Transportation Management Plan that Metro has submitted with the Conditional Use Application. In reference to section 1 of the Management Plan, Traffic Control by the Multnomah County Sheriff's Office, I understand that specific wording was added after consulting with Captain Terry Jones of our office. I also have specific wording that I feel should be added to ensure that the role of the Multnomah County Sheriff's Office in future events at Howell Territorial Park is clear.

To ensure that the Multnomah County Sheriff's Office (or designated individuals approved by the Sheriff's Office) are used in a consistent manner in relation to expected amounts of vehicle traffic I am asking that the wording, "The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event", be added to the Management Plan.

I am also asking that the wording, "Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event".

Metro Regional Parks and Greenspaces may choose to hire a private security firm, or use volunteers to direct traffic. During such an event, with the approval of the individuals selected, the Multnomah County Sheriff's Office would closely monitor and assist in any manner possible with its normal staffing levels.

Sincerely,

DAN NOELLE
Sheriff

By:

A handwritten signature in black ink that reads "Lt Graham 20223".

LIEUTENANT LEE GRAHAM
Operations Section



METRO

November 15, 2000

Mr. Don Posvar
Fire Chief, Sauvie Island Fire Department
18342 N.W. Sauvie Island Road

Dear Mr. Posvar;

I want to follow up on last night's meeting with the Safety Action Committee. I appreciate having the opportunity to discuss with you and the committee your very legitimate question and concern about what level of emergency service demand could be placed on the Sauvie Island Volunteer Fire Department from Howell Park as a result of the improvements made and increased visitation to the park.

To address your concern I described the following aspects of our application which I believe help to quantify and give perspective to your question.

- We have compiled a table of approximate existing attendance at the park and estimated future attendance based on our proposed improvements. Essentially, we expect that park use will roughly double and very likely remain under 20,000 visitors annually, which we feel is very modest relative to other uses on the island. (See attached table).
- With first phase improvements in place Metro will fund additional staffing (.5FTE), at the park which will enable a full time management presence at the park through the peak season of use. Currently the park only receives one quarter of one full time position. It is planned that additional staffing will be provided with subsequent phases and/or as increased visitor use requires.
- We have a long track record at two of our other regional parks where annual attendance figures are 300,000 and 200,000 visitors (10-15 times the projected use at Howell) and our need for emergency service beyond what staff are equipped to handle has never been more than a few times a year. Based on this record, we believe our potential demand for emergency services for visitors to the park from your department will likely be less than once per year.
- We have offered as a condition of approval to our application, to limit any future events at the park to 3 per year, including the Annual Wintering-In Festival; and that no additional events will be held at the park during the island's peak use harvest

season. (In our application an event is defined as an activity in the park that brings over 300 people.

- As part of our application, we have provided a Traffic Management Plan that will be implemented for any future event held at the park. See attached. The plan will assure coordination with the County's Sheriff's and Transportation offices, will provide qualified personnel to direct traffic and will provide signage.
- We also offer, as a condition of approval, in our application to continue the practice, of providing an ambulance and emergency medical team during the Annual Wintering - In Festival as we have for the past four years, and will do so for any other future event of similar scale.

Based upon these above provisions, you indicated in the meeting that the level of service the park would likely require from your department seemed an acceptable level. Since this is an important issue in the County's consideration of our conditional use application, I would like to request that you provide a letter to them on behalf of the Sauvie Island Fire Department that affirms the department is prepared to provide service to Howell Park with the improvements and uses that are proposed. We are presently scheduled to return to the Commissioners on December 7th and need to provide responses to the County Land Use Division by November 21st. Please contact me if you have additional concerns or suggestions and would like to discuss further. I can be reached at 503-797-1846.

Sincerely,



Lora Price
Regional Planner



METRO

December 13, 2000

Mr. Don Posvar
Fire Chief, Sauvie Island Fire Department
18342 N.W. Sauvie Island Road
Portland, Oregon 97231-1312

Dear Mr. Posvar;

Since last month's Safety Action Committee Meeting and my November 15th, 2000 correspondence with you, there are several points to update you on.

First, which you probably are aware of, Metro's land use hearing date before the Board of Commissioners, is rescheduled for January 4, 2000. Second, I am enclosing our revised Traffic Management Plan, which ensures additional coordination with the Multnomah County Transportation Division on a case by case basis for any event held at the park.

Finally, Metro will be proposing as a condition of approval, that, in addition to capping the number of events allowed at the park to 3 per year (including Wintering-In), we will also limit the size of any new event to 1000. The other two events will be held outside the heavy harvest and traffic period on the island (August 15-October 31).

We hope these conditions, in addition to what I outlined in the November 15th letter, show that the park improvements will not place unreasonable service demands on the Sauvie Island Fire Department. I want to reiterate that being able to have regular staffing at the park (who will all have a basic certification for responding to emergency needs) should go a long ways in handling 99% of any needs that may arise. If the information and conditions we have provided do not alleviate your concerns, or if you have any continuing concerns or suggestions for Metro to consider, please contact me at 797-1846 at your earliest convenience. If we do not hear from you by December 18, 2000, (our submission deadline to the County) we will assume, based on your indication at that November S.A.C. meeting, that the anticipated level of service generated by the park improvements is acceptable.

Sincerely,

Lora Price

Lora Price
Regional Planner

Cc: Derrick Tokos

TOKOS Derrick I

From: TOKOS Derrick I
Sent: Friday, December 15, 2000 3:57 PM
To: 'Cleaveland Julie L.'
Subject: RE: Howell Park

It is our understanding that the language you have italicized was added to ORS 215.283(2)(d) following the 1999 legislative session. The language in our code is older. A response to the statute's applicability to the Metro application at Howell Park will be forthcoming at the hearing on the 4th of January (it should be available in the BOCC packet submitted to the Board Clerk on December 27, 2000).

Please feel free to contact me if you have further questions.

-----Original Message-----

From: Cleaveland Julie L. [mailto:juliecleveland@columbia-center.org]
Sent: Thursday, December 14, 2000 12:38 PM
To: derrick.i.tokos@co.multnomah.or.us
Subject: Howell Park

Hi Derrick:

Can you explain to me why this ORS (see below) for Goal 3 does not apply to Metro's application for Howell Territorial Park? And can you also tell me why the county code for 11.15.2012 (D) and (E) are less inclusive? Specifically, why was the language in ORS 215.283 (2)(D)(d) concerning the non-farm uses stated in the statute *must be operated by and for residents of the local rural community* excluded in the county code?

If this statute applies to the Metro application for Howell Territorial Park, can it be presented to the board on January 4th?

Thanks for your timely response.

Julie

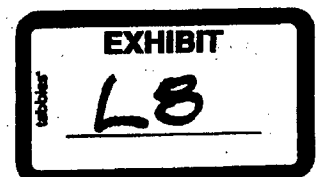
215.283 (2)(D)(d) Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120.

11.15.2012

D. Private parks, playgrounds, hunting and fishing preserves, campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization. Existing facilities wholly within an EFU district may be maintained, enhanced or expanded. New facilities may be allowed but not on high value lands. Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

E. Parks, playgrounds or community centers owned and operated by a governmental agency.

12/27/00



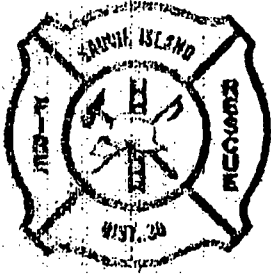
To: Derrick Tokos

From: Don Pasvas
Sammie Is. Fire Dept

3- page total

EXHIBIT

L9



**SAUVIE ISLAND VOLUNTEER FIRE DEPT.
R.F.P.D. #30**

18042 N.W. Sauvie Island Road
Portland, Oregon 97231-1342
(503) 621-1242

December 20, 2000

Lora Price
Metro Planner
600 NE Grand
Portland, Oregon 97232

Dear Ms. Price:

In response to your letter of Nov. 15, 2000: If your estimate regarding Metro's proposal were to result in less than one additional emergency response call a year, then we would not feel a severe impact to the Volunteer Fire Department. However, the traffic studies compiled by Kittelson & Associates, Inc. (Project#:3847.02) show very convincingly, the need for a right turn lane to accommodate the estimated 25,000 to 30,000 people per year visiting Howell Park. In addition, Mult. County Traffic Engineering Memorandum by Ali G. Eghtedari, PE (10-24-00) clearly states his concerns regarding quality of life of the residents by inviting thousands more people per year and he addresses safety in his last paragraph: " Our mission is to keep a sustainable environment that can benefit both residents and users of the park. Safety is our primary issue and this amount of right turn causes possibility of rear-end accidents on the one lane road more than every 2 minutes during peak hour."

We understand the right turn lane has been removed from the list of required components for the conditional use permit, therefore, if the proposal is granted we can expect higher numbers of car accidents as per Mr. Eghtedari's statement above.

In the Master Plan of April 1997, un-numbered page under "Sauvie Island and Howell Territorial Park History", sub title Recreation, we see that there were reservations even then about inviting so many people. Last paragraph states, " More recently, urban residents flock to the Island seeking its sandy beaches, spectacular wildlife viewing, pastoral setting and produce markets. Unfortunately, some of these visitors create problems which include traffic, crime, trespassing, littering and emergency response needs which in some cases exceed the capabilities of the Island's resources."

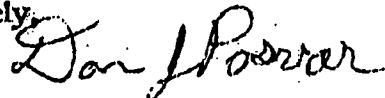
In March of 1997, Multnomah Co. dept. of environmental services set up a meeting at the school to discuss the Policies to be reviewed for the Rural Area Plan. One of those policies was "Study methods by which the Sauvie Island Rural Fire Protection District can be reimbursed for providing fire and emergency medical services to island visitors." To this date, no funding from that plan has found it's way to our fire district.

We collect no income from the visitors who play at the beaches, bicyclists, picnickers, joggers and others who visit the Howell Park. Having an emergency medical team on the site during Wintering In is great, however, will not preclude our call to the site or roads when 911 is called.

This fact remains, the greater the number of people - the greater incident of problems. When Metro first took over the site, our volunteers responded 4 or 5 times to false alarms, were those accounted for in the study? Even false alarms take a full response team to a site at any hour. There are un-named sources who have witnessed people fighting more than one grass fire at the Park caused by picnickers and 911 was not called for those fires and should have been!

There are too many things still up in the air with this proposal for us to accept it. Once accepted for the conditional use permit, we feel we would lose the opportunity to discuss options for phase 2, 3, 4 and however many more phases Metro may come up with in the future.

Sincerely,



Don Posvar
Chief Sauvie Island Fire Department

cc: Multnomah Co. Planning
Multnomah Co. Commissioners

RECEIVED
00 DEC 26 PM 2:57

CLAY COUNTY
PLANNING COMMISSION
**Farm Management Plan
Howell Territorial Park
Sauvie Island**

This plan addresses the existing and planned management practices for two specific areas at Howell Territorial Park. The first area addressed is the pastures that are currently leased for grazing and the second area is the small apple orchard.

Pastures

Objectives: To continue to graze for the duration of the existing lease (2003). Upon expiration on the existing lease, Metro has the option of renewing the lease for periods of one year at a time. Continuation of grazing after 2003 will be determined at a later date.

To maintain the pastures in forage which is relatively free of noxious weeds.

To maintain the integrity of the wetlands by continued diligence on the existing fenceline which separates the existing grazing areas from the wetland.

To repair and replace, as needed, perimeter fencelines to prevent cattle egress on adjoining properties.

Existing Situation:

Currently, the lessee has a herd of 13 cows, 2 young bulls, and one breeding bull. The 13 cows are expected to calve, yielding 13 cow/calf pairs in the spring of 2001. All of these calves have been obligated to a buyer and will be sold upon weaning.

The lessee grazes the pastures typically from March until November every year. Then, the cattle are hay fed during the winter months. In the spring, the lessee utilizes the southern end of the leased property that is divided into 4 separate pastures (Area B on attached map). The cow/calf pairs are moved every 5-7 days between these pastures, allowing for grass growth and minimizing the impact on each pasture. After the calves have matured to approximately 1-2 months, the lessee then begins to utilize the back pasture (Area C on attached map) and the front pasture (Area A on attached map). The cattle are moved periodically throughout the entire pasture areas to prevent overgrazing throughout the grazing season (March through mid-November). The numbers currently grazing on these pastures are within suggested numbers for satisfactory pasture health.

The grazed pastures are well drained and in fair condition with a good stand of grass. There is an infestation of tansy ragwort, which is of concern and is being addressed. There is evidence of a healthy population of flea beetle (an important and effective biological control) in the crowns of the tansy ragwort. To date, the control of tansy has been primarily through mowing, with some hand pulling and clipping of flowering plants.

The existing condition of the fencelines varies throughout the pasture areas. The fenceline that surrounds the wetland is in relatively good condition. The fenceline that borders the back pasture (Area C) on the north side has had numerous repairs and poses cattle egress opportunity onto adjacent properties. This back pasture (Area C) fenceline has been sprayed (fall 2000) to kill large pockets of blackberry so fence replacement can begin in the late winter/early spring of 2001. During fence repair and replacement, cattle will be confined to other pastures.

Management Plan - Pastures:

With respect to **grazing**: The existing numbers of grazing animals are within the suggested range for the available acreage. We are continuing to work with the lessee to manage the grazing pressure throughout the leased pastures. Conversations with the lessee have indicated that the herd will continue to reduce in size.

With respect to **noxious weeds (specifically tansy ragwort)**: The tansy ragwort will be sprayed in the spring of 2001, prior to May 1st (per extension agent input regarding best results). If weather conditions do not allow a treatment prior to May 1st, a fall spray after fall grass re-growth can accomplish the same, or better, results. Since there is evidence of flea beetle, it is anticipated that their numbers will continue to grow and offer additional tansy control. Monitoring after chemical application as well as a field survey the following growing season will determine if additional treatments are necessary. Continued meetings with the area extension agent will allow a customized approach regarding product and timings to address this issue. Chemical, mechanical, and biological control methods will continue to be used.

With respect to **fencing**: In the late winter/early spring of 2001, the fenceline in the back pasture (Area C) will be cleared and a new fence will be installed. This is approximately 1200' of fence. This fenceline, as well as the other fencelines, will be monitored periodically to ensure that they are preventing cattle egress onto adjacent properties.

Upon completion of the lease agreement, a decision will be made as to whether or not grazing will continue. If grazing continues, a determination of the appropriate numbers of animals to graze will be determined. If the decision is made to stop grazing at the end of the lease agreement, implementation of the master plan adopted in 1997 will occur. This will consist of revegetating the back pasture (Area C) with native species to promote wildlife habitat, to restore and manage the oak woodland on the south side as an open oak savannah (Area B), and manage the front pasture as an open field (Area A).

The pastures will have regular, documented monitoring regarding fence conditions and noxious weed management in order to ensure that problems are addressed. This will occur regardless of grazing status.

Orchard

Objectives: To continue to maintain the existing orchard in a state of fair health.

Existing Situation:

The orchard was established in 1974 by the Home Orchard Society. It is not a remnant of any original orchard on the site. It primarily consists of apple trees from historic cuttings brought west in the 19th century. These cuttings were grafted to dwarf rootstock to create the orchard as it exists today.

Apple Anthracnose (bull's eye rot) virus has been in the orchard since the mid-1980s. This is a very common virus that occurs in high rainfall apple growing areas west of the Cascades. It causes cankers on twigs and branches and causes fruit rot if left untreated.

Management Plan – Orchard:

Anthracnose treatment has consisted by pruning out affected twigs and branches and also cutting out cankers with a knife. All debris resulting from these treatments is burned and/or removed from the site. This prevents further spread of the virus. This late winter dormant pruning takes place yearly.

Pest monitoring is done by the Oregon Department of Agriculture throughout the state. This orchard will have annual routine trapping surveys to monitor any pest problems, as per a commitment from the Oregon Department of Agriculture. To date, there have been no reported problems with insect pests that pose a threat to commercial orchards.



Pasture Management Plan



0 200 400

Feet



METRO

800 NE Grand Ave.
Portland, OR 97232-2736
503 797-1850 FAX 503 797-1849

**Howell Territorial Park
Supplemental Findings
January 4, 2001**

Introduction

The Multnomah County Hearings Officer's decision in CU 0-2 was submitted to the County Clerk July 7, 2000. The applicant, Metro appealed that decision to the Multnomah County Board of Commissioners (Board) on July 19, 2000. The Board held a public hearing on October 26, 2000 to consider the appeal. Metro presented testimony and evidence that addressed issues raised by the Hearings Officer. That information included an October 10, 2000 information packet to the Board and a packet entitled "Metro Parks & Greenspaces Presentation Materials for Howell Territorial Park." Two Sauvie Island residents testified on farming issues but did not submit evidence or information to the Board. After closing the public hearing, the Board requested that Metro, county planning staff and Sauvie Island residents meet to resolve issues related to farming practices, traffic and fire district service. The Board, at its January 4, 2001 meeting considered supplemental information responding to the meetings with island residents and planning staff. Staff recommended approval with conditions.

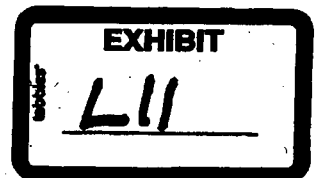
These findings replace or supplement the findings of the Hearings Officer. The findings and attached conditions of approval demonstrate compliance with all applicable provision of the Multnomah County Zoning Ordinance and Comprehensive Plan.

5. Project Description

The project description remains the same as set forth in the Hearings Officer's report with the addition of the following. The original application requested two picnic shelters that would serve a total of 185 persons. Metro has modified this request to three picnic shelters; two for 60 persons each and one at 120 persons for a total maximum capacity of 240 persons. The applicant has restricted the number of special events held at the park to the existing Wintering-In Festival and two other events. The two other events will not exceed 1,000 participants and will be held prior to August 15th of each year.

6. Compliance with the Purpose of the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2002. The findings and evidence in the May 10, 2000 staff report on MCC 11.15.2002 are incorporated here by this reference. The Hearings Officer identified issues related to the management of Metro lands that are leased to Marge Tabor. Surrounding farmers stated concerns about the spread of noxious weeds from Metro land to their own. The Board finds that existing farm practices on Metro leased land are unrelated to the issue of whether the proposed improvements to Howell Territorial Park meet this code requirement. However, Metro has responded to those concerns by agreeing to implement a farm management plan that includes herbicide application, mending fences, and applying stock rotation to the pastures managed by Marge Tabor. The



Board has required implementation of this plan as a condition of approval. With the application of the farm management plan, MCC 11.15.2002 is satisfied.

9. Accessory Uses Permitted in the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2014(B). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.20014(B) are incorporated here by this reference. At the Board's October 26, 2000 hearing, Metro provided evidence demonstrating that fences bordering the pastured areas of Metro's property have been repaired. The farm management plan submitted by Metro includes ongoing maintenance of perimeter fencing to reduce the incidence of neighbors' cows wandering onto Metro's property.

8.A. Uses Permitted in the Exclusive Farm Use Zone District Subject to Conditional Use Approval: MCC .2012(E), Parks, playgrounds or community centers owned and operated by a governmental agency.

The Board supplements the Hearings Officer's findings of compliance with MCC 11.15.2012(E). Howell Territorial Park is owned and operated by Metro, which is a governmental agency and local government for the purposes of ORS Chapters 197 and 215. Parks are conditional uses permitted in the Exclusive Farm Use zone under MCC 11.15.2012.

This code provision is based on ORS 215.283(2)(d) which was amended by the Oregon Legislature in 1999. Prior to 1999, the statute allowed "Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization." Former ORS 215.283(2)(d) (1997). In 1999, two provisions were added to the statute. House Bill 3571 added the phrase "and operated primarily by and for residents of the local rural community." Senate Bill 882 added the phrase "[a] public park may be established consistent with provisions of ORS 195.120." These new provisions appear to apply to the subject application because they became effective prior to the date Metro's application was deemed complete.

The question that the new provisions raise is whether all parks located on EFU zoned land must be operated solely by and for residents of the related rural community. The Board finds that the statute is unclear as to whether the new phrase "and operated primarily by and for residents of the local rural community" applies to parks and playgrounds or just to community centers. Two factors lead the Board to conclude that the new provision is intended to condition only the establishment of community centers in EFU zones. First, ORS 215.283(c) allows private parks and playgrounds in EFU zones. The reference to parks and playgrounds in ORS 215.283(2)(d) applies to other parks including government operated parks. The use of the disjunctive term "or" in the statute appears to separate parks and playgrounds from community centers. The new provisions appear to attach only to community centers. This would properly limit the establishment of community centers to those operated by and for the residents of the local community, but not the establishment of other parks or playgrounds.

Second, the other 1999 amendment to ORS 215.283(2)(d) expressly allows the establishment of state and local parks in EFU zones under ORS 195.120. This statute does not contain any

limitation on the operation of those parks. The state administrative rules that implement ORS 195.120 define local parks as "a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance." OAR 660-034-0010(8). Thus, local parks under ORS 195.120 include parks operated by a regional government such as Howell Territorial Park. State and local parks are typically operated both for rural residents and other residents of the entire state or region. To interpret the phrase "operated primarily by and for residents of the local rural community" to forbid the establishment or modification of state, regional and local parks on EFU lands that are not operated by the rural community would render the phrase "[a] public park may be established consistent with provisions of ORS 195.120." superfluous.

For these reasons, the Board interprets ORS 215.823(2)(d) in a way that gives meaning to all parts of the statute. That interpretation correctly conditions only community centers to be "operated primarily by and for residents of the local rural community." Since the proposed improvements to Howell Territorial Park do not establish a community center, the Board finds that the statute allows approval of Metro's application as a conditional use in the EFU zone.

12. Compliance With MCC 11.15.2026, EFU Access Requirements

These findings supplement the Hearings Officer's findings on compliance with MCC 11.15.2026. Metro's traffic impact analysis and submissions at the Board's October 26, 2000 hearing demonstrate that the existing intersection of Sauvie Island Road and Howell Park Road is adequate to accommodate the traffic anticipated as a result of the proposed improvements. At the October 26, 2000 hearing, the Board discussed whether a right hand turn lane from Sauvie Island Road is necessary to support this application. An October 18, 2000 analysis by Kittelson & Associates demonstrates that at projected peak use, the anticipated level of traffic does not warrant the construction of a right hand turn lane. The Board accepts this analysis as the best evidence demonstrating the sufficiency of the current intersection. In later meetings with Metro the County's Transportation Department, agreed that a right hand turn lane is not necessary at this time, provided that Metro's Traffic Management Plan (TMP) is fully implemented as amended in Metro's December 19, 2000 submission to the Board. The Transportation Department agrees that the amended TMP will insure that the intersection remains safe and functional during special events like the Wintering-In festival. Based on this evidence, the Board finds that MCC 11.15.2026 is satisfied.

15.B. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria: MCC .7120(A)(2), Will not adversely affect natural resources.

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(2). Facts contained in the May 10, 2000 staff report identify natural areas near the proposed improvements. The staff report states that Metro's proposal does not include any significant development adjacent to identified natural areas. The Board accepts those findings of fact here by this reference.

The Hearings Officer stated concerns that overflow parking for special events in the turf fields had the potential to contaminate a nearby wetland. However, there is no evidence of such contamination occurring in the past in these areas. In an October 10, 2000 submission from Metro, the applicant provided additional facts that demonstrate that the wetlands are not in danger of contamination during the brief seasonal use that the overflow parking would occur. The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year. Those events will only occur during the summer when there is little chance that contaminants will be washed onto surrounding lands. In an October 26, 2000 staff report to the Board, staff concluded that Metro's additional evidence showed that the overflow parking will have no measurable impact on nearby wetlands. The Board finds that the evidence provided by Metro addresses the Hearings Officer's concerns and adequately satisfies MCC 11.15.7120(A)(2).

15.C, D and E.

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3), Will not conflict with farm or forest uses in the area.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(a), Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(b), Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A), .7120(A)(3)(a) and .7120(A)(3)(b). For the reasons set forth below, the Board finds that the proposed park improvements will be consistent with farm uses in the area and will not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. There are no identified forest practices on lands surrounding the park.

The Hearings Officer found that Metro's application did not contain enough information to complete the analysis required by these code sections. At the Board's October 26, 2000 hearing and in subsequent submissions, Metro has provided supplemental analysis that satisfies these code sections.

Metro's December 19, 2000 submission pages 2 – 5 identifies the farming uses and practices on all surrounding lands within ½ mile of the park. The Board adopts and incorporates those findings of fact here by this reference.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of

November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

In Metro's October 10, 2000 submission to the Board, the farmers on surrounding lands did not indicate that they felt that the park improvement would cause a significant change or increase in the cost of their farming practices. Metro's impacts analysis included in its December 19, 2000 submission demonstrates that although the park improvements will have some impacts on surrounding farm practices, none of the impacts will force a significant change in farm practices or significantly increase the cost of accepted farm practices on surrounding lands. The Board agrees.

Three potential impacts were identified: (1) potential pesticide drift to park users, (2) management of pastures and orchards in the park for noxious weeds and pests, and (3) traffic impacts affecting the movement of farm machinery and delivery of harvests to market.

The application of pesticides on surrounding farms is accomplished through boom spraying and air blasting. No aerial spraying is currently employed. Even if aerial spraying occurs in the future, the facts presented by Metro demonstrate that spraying would occur at least 600 feet from all park use areas. Evidence from the OSU Extension Service shows that there is no detectable pesticide drift beyond 300 feet from the point of application. Based on this information, the Board finds that no change in pesticide application practices will be required to accommodate the proposed park uses.

Metro has already undertaken an aggressive program to combat noxious weeds on lands adjacent to the park. That program and a recommended condition are discussed below. Metro staff have met with nearby farmers on several occasions to determine whether existing farm practices at the park have impacts on surrounding farms. Metro has responded to concerns from surrounding farmers on the issue of noxious weeds. As part of this application, Metro has already initiated a program to control areas of ragwort tansy and other weeds through herbicide applications. Metro has submitted a farm management plan with help from Mr. Chip Bubl of the Oregon State University Extension Service which includes procedures for ongoing management of the pastures. The Board finds that the management plan adequately addresses weed control on Metro property and will adequately mitigate any impacts on surrounding lands.

The traffic impact analysis in Metro's application prepared by Kittelson & Associates shows that traffic attributable to the proposed park improvements will represent only .8% of the traffic on Sauvie Island. The Board accepts this evidence and concludes that, the number of addition vehicles on Sauvie Island Road will not disrupt the movement of farm machinery or delivery of harvested crops to market. Metro's October 10, 2000 submission to the Board explains that

during interviews with surrounding farmers, those farmers did not consider ordinary use of the park to represent a significant impact or cause an increase in the costs of their farm practices.

Special events like the Wintering-In Festival, which draws up to 4,500 visitors over two days was raised by farmers as a potential impact. Of primary concern to the surrounding farmers is traffic congestion during harvest time. The peak harvest time for the majority of crops in the area is August 15-October 31st of each year.

Metro's application includes a Traffic Management Plan (TMP) that will be implemented for special events. Amendments to the TMP included in Metro's December 19, 2000 submission provides additional oversight by the Multnomah County Sheriffs Office, event signing, parking lot operations and event plan reviews by the county's Transportation Department. The TMP will be implemented for any event where 300 or more participants per day are anticipated at the park. In addition, Metro has agreed, and the Board has applied a condition that special events that attract over 300 visitors per day will be limited to 3 per year including the Wintering-In festival. The two events other than the Wintering-In festival will be limited to 1,000 participants total, and those events will be held prior to August 15th of each year to avoid peak harvest times on the island. Metro has agreed and the Board has imposed a condition that Metro provide notice to surrounding farmers at least three weeks prior to special events to enable farmers to plan for alternative routes if they so desire. The Board finds that the identified traffic impacts will not force a significant change in farming practices and will not significantly increase the cost of farming on surrounding lands.

The Board finds that based on the evidence in the record, Metro has met its burden to demonstrate that the park improvements are consistent with the EFU zone and will not cause significant changes in farm practices or significantly increase the costs of those practices. No other evidence on farm impacts was provided to either the Hearings Officer or the Board. The Board concludes that the identified impacts on surrounding farmers are not significant, nor do they significantly increase the cost of farming. To the extent that lesser impacts exist, those will be mitigated with the implementation of the TMP and conditions that the Board has imposed.

**15.F. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(4), Will not require public services other than those existing
or programmed for the area.**

These findings replace the Hearings Officer's findings for MCC 11.15.7120(A)(4). The May 10, 2000 staff report found that public services in the area include sheriff and fire protection, electricity, schools and roads. Water is pumped from existing onsite wells and sewer needs are handled by a septic system. The park is already served by electricity from an existing power source near the park. The park will not generate students that increases demands on nearby schools. As indicated in finding 12 above, the park expansion will not require road improvements to Sauvie Island Road. Multnomah County Sheriff's Department has indicated that the park improvements will not require additional sheriffs service.

Initially, the Fire District indicated that it could provide fire suppression service to the park. In a letter submitted during the appeal of the Hearings Officers decision, the Fire District suggested

that it could not provide emergency medical service to the park due to the anticipated increased usage. At the Board's October 26, 2000 appeal hearing, Metro provided evidence that indicates that emergency medical services have been requested at a nearly nonexistent level at Howell Territorial Park over the last 10 years. Metro also contracts for onsite medical emergency services for its Wintering -In festival. At that hearing, the Board requested that Metro contact representatives of the Fire District and make this information available to them.

In its December 19, 2000 submission to the Board, Metro provides copies of two letters to Don Posvar, Fire Chief of the Sauvie Island Fire Department. A November 15, 2000 Metro letter provides a summary of issues discussed with Mr. Posvar at a November 14, 2000 Safety Action Committee on Sauvie Island. At that meeting Metro provided data that shows that two of Metro's other parks have annual attendance of 300,000 and 200,000 visitors respectively. This is 10 to 15 times the anticipated use at Howell Territorial Park. Even at these high use levels, the other parks have only generated a few emergency calls per year. Based on this information, it appears that Mr. Posvar indicated that such a low level of service need could be accommodated by the Fire District. In the same letter, Metro requests a letter from the Fire Department reflecting Mr. Posvar's statements at the Safety Action Committee. In a December, 13, 2000 letter from Lora Price to Mr. Posvar, Metro again requests a letter from the Fire District. In a December 21, 2000 letter, the Fire District provided a response indicating its opinion that medical service could not be provided.

Based on the information Metro provided to the Fire District, the Board finds that it is unlikely that any measurable increase in emergency medical service will be required to support the improvements to the park. Certainly no new fire service will be needed other than the fire service already programmed for the area. The Board finds that the only evidence in the record indicates that the park improvements will generate one or two calls to the Fire District per year. At that extremely low anticipated use, the Board concludes that Metro's application complies with MCC 11.15.7120(A)(4).

**15.H. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(6), Will not create hazardous conditions.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(6). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.7120(A)(6) are incorporated here by this reference. Those findings demonstrate that with the implementation of the TMP, no hazardous conditions will result from approval of Metro's application. The Board's findings of compliance for MCC 11.15.2026 demonstrate that the intersection of Sauvie Island Road and Howell Park Road will remain safe and functional after the park improvements are constructed. Those findings are incorporated here by this reference. The Board finds that MCC 11.15.7120(A)(6) is satisfied.

**18.P. Compliance With MCC 11.15.6100, Off-Street Parking and Loading Requirements:
MCC .6142(F), Minimum Required Off-Street Parking Spaces, Unspecified Uses,
Any use not specifically listed above shall have the requirements of the listed use or
uses deemed most nearly equivalent by the Planning Director.**

These findings replace the Hearings Officer's findings of compliance with MCC 11.15.6142(F). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.6142(F) are incorporated here by this reference. The Hearings Officer identified a discrepancy between the anticipated number of overflow parking spaces identified in the application versus the number identified in the master plan. The Board finds that no discrepancy exists. The Board interprets the application to refine the master plan. The application, Figure G.1 shows approximate overflow parking spaces of 147 for the north turf field and 353 for the south turf field for a total of about 500 overflow spaces. Since these areas are fields, the actual number of vehicles that can be accommodated may vary depending on how the vehicles are parked. The Board finds that the application provides evidence that at least 500 overflow spaces are available which is sufficient to satisfy MCC 11.15.6142(F).

20.A. Compliance With Applicable Comprehensive Plan Policies: Policy 13: Air, Water and Noise Quality

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 13. The findings and evidence in the May 10, 2000 staff report on Policy 13 are incorporated here by this reference. The Hearings Officer identifies traffic impacts as an issue to which Policy 13 applies. The Board finds the Hearings Officer's findings on Policy 13 to be unrelated to the issues identified in Policy 13. Furthermore, the Board has found that Metro's traffic impact analysis adequately describes the anticipated traffic impacts on Sauvie Island Road. The Board's findings of compliance with MCC 11.15.2026 are incorporated here by this reference. The Board finds that Policy 13 is satisfied.

20.B. Compliance With Applicable Comprehensive Plan Policies: Policy 14: Developmental Limitations

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 14. The findings and evidence in the May 10, 2000 staff report on Policy 14 are incorporated here by this reference. The Board finds that none of the development limitations identified in Policy 14 are present in the area proposed for improvement. No development is proposed on the turf fields that will serve overflow parking. To the extent those fields are used, their use will be limited to short periods during the summer months which will not pose a danger to fragile soils or the water table in the area. The Board finds that Policy 14 is satisfied.

20.D. Compliance With Applicable Comprehensive Plan Policies: Policy 31: Community Facilities and Uses

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 31. The findings and evidence in the May 10, 2000 staff report on Policy 31 are incorporated here by this reference. The October 18, 2000 analysis from Kittelson & Associates demonstrates that during normal peak park operations, the road capacities, traffic counts, speed limits and turning points at the intersection of Sauvie Island Road and Howell Park Road will not cause safety problems on the roadway. During special events, the TMP as amended will be implemented which will insure that Policy 31 is met. The Board incorporates the findings for MCC 11.15.2026 here by this reference. Policy 31 is satisfied.

Howell Territorial Park Conditions of Approval

1. This Conditional Use approval is based on the submitted written narrative and plans, and shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.
2. As required under MCC 11.15.7125, the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.
3. Off-street parking and loading lighting criteria (MCC 11.15.6134), design standards (MCC 11.15.6138), and landscaping/screening criteria (MCC 11.15.6140) are detailed requirements that are to be satisfied with Design Review.
4. Specification for any new signs shall be reviewed for compliance with sign criteria listed under MCC 11.15.7902 *et seq.* At time of Design Review. No signs are to be placed within the public right-of-way without a permit from the Multnomah County Transportation Division.
5. The applicant/owner shall submit evidence from the Oregon State Health Division, Drinking Water Program, establishing that the on-site private water system is suitable for public consumption. Such evidence shall be provided at time of Design Review.
6. As required to establish compliance with MCC 11.15.2018(A), the applicant/owner shall submit a copy of a recorded deed showing that the subject property conforms to the configuration approved with property line adjustment case #PLA 8-96.
7. Vehicular access to overflow parking areas is to be gated or otherwise restricted when not in use, and is prohibited during the wet season between November 1 and May 1 of a given year (MCC 11.15.7120(A)(2)).
8. Prior to occupancy, Metro will dedicate 10 feet of right-of-way along the entire frontage of NW Sauvie Island Road. As part of this dedication, a 25-foot radius will be provided within the northeast and southeast quadrants of the Howell Park Road/NW Sauvie Island Road intersection. In addition, a 5-foot slope easement immediately east of the dedicated right-of-way will be granted for the sole purpose of roadway related construction and Multnomah County owned utilities (*i.e.*, storm drainage, sewer).
9. Prior to Occupancy, Metro will agree not to remonstrate against the formation of a local improvement district for the purpose of roadway improvements, including on-roadway

bike land improvements, to NW Sauvie Island Road in accordance with Section 02.220c of the Multnomah County Street Standards.

10. The applicant/owner shall implement the Transportation Management Plan contained in the traffic study and as amended by the December 19, 2000 submission from Kittelson & Associates for any event where 300 or more participants per day are anticipated. For those events requiring traffic controls, the applicant/owner shall apply for and obtain a special events permit from the Multnomah County Transportation Division (MCC 11.15.7120(A)(6)). The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event.
11. As required to establish compliance with MCC 11.15.6132(A), the applicant/owner shall use clean gravel when surfacing the new parking lot and is to construct the lot consistent with the design specification contained in the document titled Gravelpave¹ (Exhibit 18).
12. This Conditional Use approval shall expire six years from the date a decision on this application is final, unless design review has been granted for all phases of development listed under Finding 14, and construction has either concluded or substantial construction has been determined pursuant to MCC 11.15.7110(C).
13. Metro shall restrict the group bookings for the picnic shelters to allow only one group per shelter per day and a total number of persons not to exceed 300 per day.
14. Metro shall continue to provide an onsite ambulance and medical team for the Wintering-In Festival and any special events of similar scale, and a person trained in first aid/CPR will be onsite on weekends from June through September each year.
15. Metro shall repair perimeter fencing, control noxious weeds in pasture areas and monitor and manage the pastures and the orchard consistent with the farm management plan submitted for the Board's January 4, 2000 meeting.
16. Special events will be limited to 3 per year, including the Wintering-In Festival. Special events are any event anticipated to attract 300 or more participants per day for a two day period. The events other than Wintering-In Festival will be capped at 1,000 participants and will be timed to avoid the peak harvest period on the island, August 15-October 31.
17. Metro shall provide at least three weeks notice to property owners within half a mile of Howell Territorial Park of a special event to enable them to plan for alternative routes or timing of harvesting activities.

¹ ???



MULTNOMAH COUNTY

BOARD HEARING: JANUARY 4, 2001

TIME: 11:00 AM

**CASE NAME: CONDITIONAL USE PERMIT FOR
HOWELL TERRITORIAL PARK**

NUMBER: CU 0-2

1. Applicant Name/Address:

METRO
Attn: Lora Price
600 NE Grand Avenue
Portland, Oregon 97232

2. Action Requested By Applicant:

A Conditional Use Permit application for development within Howell Territorial Park, as set forth in a Master Plan for the park adopted by the Metro Council, April 17, 1997.

Action Requested Of Board

- ☐ **Affirm Hearings Officer Decision**
☒ **Hearing/Rehearing**
Scope of Review
☐ **On the Record**
☒ **De Novo**
☐ **New Information Allowed**

3. Planning Staff Recommendation:

Approve, as conditioned, this Conditional Use Permit for development within Howell Territorial Park.

4. Hearings Officer Decision:

The application was denied based on findings and conclusions contained within the decision, which established that Metro had failed to show that proposed park improvements will not; (a) force significant change in, or significantly increase the costs of, accepted farm practices on surrounding farmland; (b) create hazardous traffic conditions and; (c) require public road and fire services beyond what exists or is programmed for the area.

5. If Recommendation And Decision Are Different, Why?

Metro has modified the application and prepared additional findings to address each deficiency identified by the Hearings Officer that led to the denial.

6. Issues:

Three issues remained unresolved at the conclusion of the October 26, 2000 hearing before the Board. The first was whether or not the Metro application contained evidence sufficient to show that proposed improvements to Howell Territorial Park will not force significant change in, or significantly increase the costs of accepted farm practices on surrounding lands. Secondly, there was the question of the safety of existing access to the park, considering the increased intensity of use expected as a result of park development. The final issue concerned the ability of the Sauvie Island Fire Department to provide adequate fire suppression and emergency service to an expanded park. As discussed in attached matrix, each of these issues has since been addressed by Metro.

Contact: Derrick I. Tokos, AICP
File: CU0002 BOCC Summary #4.doc

Date: D

EXHIBIT

L12

A new issue not discussed at the October hearing involves a question raised by a Sauvie Island resident as to why ORS 215.283(2)(d) does not apply to this project. This statute contains the definition for park uses on EFU zoned lands, and reads as follows:

"Parks, playgrounds, or community centers owned by a governmental agency or nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120."

The underlined language was added following the 1999 legislative session, and is more restrictive than that which is included in our zoning code and referenced in the Hearings Officer decision under Finding #8. Initially, it was our understanding that the new language was effective March 9, 2000, the date it was added into the Oregon Administrative Rules (OAR 660-033-0120). Since this date was two months after the dated Metro filed this application; we did not believe it to be applicable to their request. However, after discussing the matter with a representative from the Department of Land Conservation and Development (DLCD) we understand that the change to the statute was effective October 23, 1999 (HB 3571), three months prior to Metro filing this application and; therefore, must be applied.

From our conversation with DLCD we understand that this new definition for park uses on EFU lands provides two options, that the park be operated primarily by and for residents of the local rural community or be established consistent with the provisions of ORS 195.120. It is the latter approach that we expect this application falls under. ORS 195.120 discusses planning rules for parks. With respect to local parks on agricultural land the statute is implemented through OAR 660-034-040. Essentially, this administrative rule provides that a local government need not adopt an exception to Statewide Planning Goal 3 (Agricultural Land) for uses listed in the rule, provided they are authorized in a local park master plan that is (a) adopted as part of the local comprehensive plan; (b) is prepared and adopted applying criteria comparable to those required for uses in state parks and; (c) includes findings demonstrating compliance with ORS 215.296 (i.e. findings of no significant adverse impact on farm uses and farm practices on surrounding farmed lands). We understand that it is under this provision that Metro proposes that this application be considered. A Finding is included in the Board packet to replace Finding #8 of the Hearings Officer decision. This new Finding explains how the park expansion satisfies the requirements of this administrative rule.

The Sauvie Island Boosters have submitted a letter containing additional issues. They request that the park expansion be scaled back, with picnic shelters, the new permanent parking area, and additional restroom facility all being recommended for removal. The Boosters stress that the park must be focused on farm heritage inherent to the site and area and note a need for an agricultural presence and farm plan for the park. Limitations of the Sauvie Island Bridge are also discussed.

7. Do Any Of These Issues Have Policy Implications? Explain.

Policy implications relate to implementation of Statewide Planning Goal 3, and the Exclusive Farm Use and Conditional Use sections of the County Zoning Ordinance. Statutes and case law cited in the Hearing's Officer decision make it expressly clear that new or expanded non-farm uses cannot be approved if they will significantly impact farm uses or accepted farming practices.

As for traffic issues, County regulations require all property owners to proportionally contribute to road improvements, when such improvements are necessary to accommodate new or expanded uses.

**Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2
THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING**

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
<p>1. Did Metro show that proposed improvements to Howell Territorial Park will not force significant change in, or significantly increase costs of accepted farm practices on surrounding lands devoted to farm use?</p> <p>Specifically, has Metro shown that vehicle traffic attributed to the park expansion will not interfere with seasonal harvests and crop delivery to market and that increased use of the park will not conflict with the application of pesticides and herbicides as currently practiced on adjoining farm land.</p>	<p>MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:</p> <p>***</p> <p>(3) Will not conflict with farm or forest uses in the area:</p> <p>(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and</p> <p>(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.</p>	<p>Metro met with island residents and farmers on November 16, 2000 and modified their application and prepared additional findings to satisfy this code requirement. They identified farm uses and accepted farm practices on surrounding lands and have analyzed how these uses and practices are likely to be impacted by proposed park development. As a result of this effort, they have shown that, as conditioned, an expansion of the park will not force significant change in, or significantly increase costs of accepted farm practices on surrounding lands devoted to farm use.</p> <p>Changes made to the application since the October public hearing include:</p> <ul style="list-style-type: none"> • The two events requested in addition to the Wintering Inn festival have been capped at 1000 persons, down from 4500. Further, each event is to be limited to two days in duration and the two events are to be timed to avoid peak harvest periods on the island, between August 15th and October 31st. • Metro has agreed to provide three week advance notice of upcoming events to surrounding property owners. • A plan for managing grazing activities within the park has been prepared Metro in consultation with Chip Bubl, Horticulturist, Oregon State University Extension Office (Exhibit L10). Metro has agreed to adhere to recommendations contained in this plan. • The potential for conflict between increased park use and pesticide drift from adjoining farms has been evaluated (Exhibit L7, Attachment A). As explained by Mr. Bubl, the distance between park uses and surrounding agricultural operations (600' to 2000') and existing tree lines, provide an adequate buffer against pesticide exposure. 	<p>Adopt findings of fact labeled Exhibit L11 in lieu of those contained in the Hearings Officer Decision relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit 14.</p> <p>The Hearings Officer found that this requirement had not been satisfied because the applicant failed to perform specific analysis based on detailed facts regarding area farm uses. Metro's revised findings address this deficiency.</p>



**Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2
THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING**

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
2. Has Metro shown that <u>existing</u> access to the park will be safe, considering the increased intensity of use expected as a result of the proposed park improvements?	MCC 11.15.2026, Access, Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.	After further review of the Traffic Study and supplemental reports prepared by Kittelson and Associates, Inc., the County Transportation Division has determined that projected daily use of the park (300 persons) will not require a right turn lane onto Howell Park Road. Further, they have concluded that projected daily use, on existing roads, will not create an unsafe traffic condition.	Adopt findings of fact labeled Exhibit L11 in lieu of those contained in the Hearings Officer Decision relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit L14.
	MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:	The Transportation Division has indicated that, with revision, the Transportation Management Plan proposed by the applicant is adequate to ensure a safe traffic condition for each event where 300 or more participants are expected. Changes requested include confirmation from the Sheriff's Office that they are comfortable with their role as described in the plan, and that a traffic control plans be submitted to the Transportation Division on a case-by-case basis prior to each event.	The Hearings Officer determination that a right turn lane onto Howell Park Road was warranted was based on an application that failed to clearly define the size, duration, timing, and number of large events. Considering this, a worst case, maximum intensity of use scenario had to be assumed.
	***	Given this feedback, Metro had Kittleson and Associates revise the Transportation Management Plan to include changes requested by the Transportation Division (Exhibit L7, Attachment D). Comments from the Sheriff's Office were received December 9, 2000 (Exhibit L7, Attachment E). They also have requested changes to the plan, asking that a provision be added requiring that they be contacted 14 day in advance of pending events and that Metro agrees to absorb expenses incurred for the hiring of Sheriff's Office personnel beyond normal staffing levels. Metro has incorporated these changes into the plan.	Since then Metro has scaled back their proposal, such that not more than three events are to be permitted, two of which are to be capped each at 1000 participants over any two day period in late spring or summer prior to the harvest season (August 15th). As recommended by Transportation event traffic attributed to this scaled back proposal can be effectively handled with a Transportation Management Plan.
	(4) Will not require public services other than those existing or programmed for the area; *** (6) Will not create hazardous conditions		

Conditional Use Permit application for development within Howell Territorial Park: Case File: CU 0-2

THREE KEY ISSUES TO RESOLVE FOLLOWING THE 10/26/2000 HEARING

ISSUE	CODE REQUIREMENT	APPLICANT RESPONSE	STAFF RECOMMENDATION
<p>3. Has Metro shown that adequate fire protection is available for the proposed expansion of Howell Territorial Park?</p> <p>Specifically, has Metro; (a) described emergency service demands attributed to a park expansion in sufficient detail to address questions raised by the district in their September 6, 2000 letters and; (b) shown that the demand for emergency services will not require fire service beyond what is currently available from the Sauvie Island Fire Department.</p>	<p>MCC .7120(A) establishes that in approving a Conditional Use, the approval authority shall find that the proposal:</p> <p>***</p> <p>(4) Will not require public services other than those existing or programmed for the area;</p>	<p>On November 14, 2000 Metro met with the Sauvie Island Fire Department Safety Action Committee to discuss emergency service needs attributed to the proposed expansion of Howell Territorial Park. Subsequently, in letters to the Fire Department dated November 15, 2000 and December 13, 2000 (Exhibit L7, Attachments F and G), Metro describes the level for emergency service that they expect will be needed given their experience in managing other parks in the region.</p> <p>In these letters they explains that by (a) scaling back the number, size, and duration of events from what they had previously proposed; (b) instituting a Traffic Management Plant to control traffic for the remaining events and; (c) agreeing to provide ambulance service for each event, Metro has taken steps to minimize their impact on the service requirements of the Fire Department.</p> <p>Metro has also indicated that park staffing will be increased to .5 FTE, providing a full time management presence at the park during peak seasonal use. The staff is to be trained in basic first aid, and first aid equipment will be available on-site. Implementation of these measures might also ease demand on the Fire Department.</p>	<p>Adopt findings of fact labeled Exhibit L11 relative to this code requirement. Conditions are needed to ensure that the criteria are satisfied. Such conditions are included with Exhibit L14.</p> <p>At the October 26, 2000 hearing Metro explained that they are prepared to provide limited medical service at the park during summer weekends, with ambulance service for special events. However, at the time it was not clear that such actions would alleviate fire district concerns about their ability to adequately respond to life/safety issues attributed to increased use of the park (e.g. emergency accidents, health problems, drug overdose, etc.)</p> <p>A December 20, 2000 letter from Don Posvar, Fire Chief, Sauvie Island Fire Department (Exhibit L9), indicates that the Department cannot support this application at this time. However, they also appear to indicate in this same letter that, assuming Metro's data is correct, the Department can meet fire suppression and emergency service demands attributed to Metro's <u>revised</u> park expansion application.</p>



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

January 4, 2001
11:00 AM

DRAFT MOTION FOR DE NOVO HEARING

In the matter of:

Case File CU 0-2

A Request for Condition Use Permit for development within Howell Territorial Park

I hereby move that, based on the record before us today, we accept the applicant's arguments as presented and adopt by reference the applicant's findings and conclusions in lieu of those contained in the Hearings Officer written decision that led to a denial of the application. All other findings contained in Hearings Officer written decision are accepted and adopted herein as part of our decision.

Further, we find it necessary to condition our approval of this application to ensure that the standards and criteria upon which the findings are based are satisfied. To this end we adopt by reference the conditions of approval dated December 27, 2000, presented before us this day by county staff.



Case #CU 0-2, Conditional Use Permit for Howell Territorial Park

Conditions of Approval:

1. This Conditional Use approval is based on the submitted written narrative and plans, and shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.
2. As necessary to ensure compliance with MCC 11.15.7120(A), which requires that proposed development not significantly impact farm uses and accepted farm practices on surrounding farmed lands, the applicant/owner shall:
 - a. Restrict bookings of picnic shelters to allow only one group per shelter per day with the total number of persons not to exceed 300 per day.
 - b. Limit its special events to three events per calendar year. Special events are any event involving 300 or more participants. Each event is to be limited to two days in duration. The two events other than the Wintering Inn Festival are to be capped at a maximum attendance of 1000 persons each, and are restricted to the timeframe of June 1st and August 15th of a given year.
 - c. Provide at least three weeks advance written notice of pending special events to all property owners or farm leaseholders within half a mile of Howell Territorial Park.
 - d. Repair perimeter fencing, control noxious weeds in pasture areas and monitor and manage the pastures and the orchard consistent with the farm management plan submitted for the Board's January 4, 2000 meeting (Exhibit L10).
3. The applicant/owner shall submit evidence from the Oregon State Health Division, Drinking Water Program, establishing that the on-site private water system is suitable for public consumption. Such evidence shall be provided at time of Design Review.
4. As required to establish compliance with MCC 11.15.2018(A), the applicant/owner shall submit a copy of a recorded deed showing that the subject property conforms to the configuration approved with property line adjustment case #PLA 8-96.
5. Vehicular access to overflow parking areas is to be gated or otherwise restricted when not in use, and is prohibited during the wet season between November 1 and May 1 of a given year (MCC 11.15.7120(A)(2)).

6. As necessary to ensure compliance with MCC 11.15.7120(A)(4), requiring that new development not require public services other than those existing or programmed for the area the applicant/owner shall, prior to issuance of a building permit:
 - a. Dedicate 10 feet of right-of-way along the entire frontage of NW Sauvie Island Road. As part of this dedication, a 25-foot radius will be provided within the northeast and southeast quadrants of the Howell Park Road/NW Sauvie Island Road intersection. In addition, a 5-foot slope easement immediately east of the dedicated right-of-way will be granted for the sole purpose of roadway-related construction and Multnomah County owned utilities (i.e., storm drainage, and sewer).
 - b. Dedicate a 20 foot easement for bicycle/pedestrian facility in the location illustrated on the applicant's site plans
 - c. Agree not to remonstrate against the formation of a local improvement district for the purpose of roadway improvements or construction of the bicycle/pedestrian facility. The Right-Of-Way Permit Office should be contacted for instructions on how to complete this agreement (phone: 503-988-3582).
7. The applicant/owner shall implement the Transportation Management Plan contained in the traffic study and as amended by the December 19, 2000 submission from Kittelson & Associates for any event where 300 or more participants per day are anticipated (Attachment D, Exhibit L7). For those events requiring traffic controls, the applicant/owner shall apply for and obtain a special events permit from the Multnomah County Transportation Division (MCC 11.15.7120(A)(6)). The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event.
8. The applicant/owner shall provide on-site ambulance service for all special events. Additionally, a person trained in first aid/CPR shall be on-site for all weekends from June through September of each year (MCC 11.15.7120(A)(4) & (6)).
9. As required to establish compliance with MCC 11.15.6132(A), the applicant/owner shall use clean gravel when surfacing the new parking lot and is to construct the lot consistent with the design specification contained in the document titled Gravelpave² (Exhibit 18).
10. As required under MCC 11.15.7125, the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.

11. Off-street parking and loading lighting criteria (MCC 11.15.6134), design standards (MCC 11.15.6138), and landscaping/screening criteria (MCC 11.15.6140) are detailed requirements that are to be satisfied with Design Review.
12. Specification for any new signs shall be reviewed for compliance with sign criteria listed under MCC 11.15.7902 et. seq. at time of Design Review. No signs are to be placed within the public right-of-way without a permit from the Multnomah County Transportation Division.
13. This Conditional Use approval shall expire six years from the date a decision on this application is final, unless design review has been granted for all phases of development listed under Finding 14, and construction has either concluded or substantial construction has been determined pursuant to MCC 11.15.7110(C).

MEETING DATE: December 7, 2000

AGENDA NO: R-8

ESTIMATED START TIME: 10:25 AM

LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reset Decision in Land Use Planning Case CU 00-02

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: December 7, 2000

AMOUNT OF TIME NEEDED: 1 minute

DEPARTMENT: Environmental Services DIVISION: Land Use Planning

CONTACT: Derrick Tokos TELEPHONE #: 988-3043, ext. 22682

BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Chair Stein will request Motion

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

At the Request of Applicant/Appellant Metro, the Multnomah County Board is Requested to Reset Today's Previously Scheduled Decision Following its October 26, 2000 De Novo Hearing to **11:30 AM, THURSDAY, JANUARY 4, 2001**, Regarding the Hearings Officer Decision in Case CU 00-02, Denial of a Conditional Use Permit Application for Development Within Howell Territorial Park on Property Located at **13901 NW HOWELL ROAD, PORTLAND**

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER Maria Rojo de Steffey

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277

00 NOV 29 PM 9:13
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



METRO

BOARD OF
COUNTY COMMISSIONERS
NOV 29 PM 7:06
MULTNOMAH COUNTY
OREGON

November 27, 2000

Deborah Bogstad; Board Clerk
Multnomah County Board of Commissioners
501 SE Hawthorne, Suite 600
Portland, Oregon 97214

Dear Ms. Bogstad:

We are requesting a continuance to postpone the scheduled date of December 7th, 2000 for a hearing before the Board of Commissioners in consideration of our Conditional Use application for Howell Territorial Park. We are requesting to be rescheduled to January 4, 2000 and agree to toll the clock for the time frame between October 26, 2000 and January 4, 2001.

Since the October 26th hearing, we have followed up to bring further resolution to the three remaining issues of the application identified by the County's staff report; farming impacts, emergency response and traffic.

We have met with the Multnomah County Transportation staff and are incorporating their requests to revise our Transportation Management Plan and supply a letter from the Sheriff's office affirming their support of that plan. We met with the Safety Action Committee on 11/14/00, including the Fire Chief of the Volunteer Fire Department to further address concerns over potential emergency responses generated by the park. We met with 23 Sauvie Island Boosters on 11/16/00 to further analyze potential impacts to farming practices and hear resident's general concerns. We are requesting a one-month continuance to enable us to revise farming impact findings and to receive anticipated letters.

Sincerely,

Lora Price

Lora Price
Regional Planner

Cc: Derrick Tokos



METRO

12/7/00
AGENDA
 BOARD OF
COUNTY COMMISSIONERS
00 NOV 15 AM 8:51
MULTNOMAH COUNTY
OREGON

October 30, 2000

Multnomah County Board of Commissioners
C/O Deborah Bogstad, Board Clerk
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Subject: Public Involvement Activities for the Howell Territorial Park Master
Planning Process

Dear Commissioners:

This letter follows up on my promise to provide you with a list of the public involvement activities that occurred during the planning process for the Howell Territorial Master Plan.

As a first priority, an 8-person Project Advisory Committee was established to provide independent review throughout the master planning process. The committee membership (noted below) consisted of primarily island residents who represented stakeholders throughout the community. The committee was given the opportunity of adding another member of their choice to the committee but decided instead to invite guest speakers in as needed.

Committee Member	Affiliation
Jean Fears	island resident / Sauvie Island Outlook editor / Grange Member
Donna Matrazzo	island resident / Sauvie Island Conservancy board member
Angela Schillereff	island resident / President Boosters Club
Marge Taber	– adjacent landowner / last descendent of Howell family to live in historic Bybee-Howell farm house
Mabel Dudley	adjacent landowner / last descendent of Howell family to live in historic Bybee-Howell farm house (sister of Marge)
Terry Dufour	island resident / Manager, ODFW Wildlife Refuge
Cameron Vaughan Tyler	Chief of staff to Commissioner Dan Saltzman
Jack Cleaver	Curator Oregon Historical Society

Public Involvement Activities during Master Planning Process	
July 1995 – Nov. 1995	Project updates at monthly meetings of Sauvie Island Safety Action Committee (membership includes Fire, Sheriff, Ambulance, River Patrol, S.I. Outlook, Mult. Co., ODFW)
August 1995	Present to Women's Activities Committee of Grange to solicit input on master planning.
August – December 1995	Monthly meetings of the Project Advisory Committee
Fall 1995	Conduct park user survey at Wintering In, 2 community open houses & grange meeting. 100 surveys collected.
Sept. 95- Mar. 97	Executive briefings on project to Multnomah County Commissioner's staff by Cameron Vaughan Tyler, Chief of Staff to Commissioner Dan Saltzman
Saturday, Oct. 7, 1995	Community Open House at Howell Territorial Park
November 6, 1995	Expert panel brainstorm session on interpretive themes for the park
Tuesday, Nov. 14, 1995	Community Open House at Sauvie Island School
8/95, 9/95, 4/97	Master Plan related articles in Sauvie Island Outlook
Winter/Spring 1997	Project updates at monthly meetings of Multnomah County Sauvie Island Rural Area Plan Task Force
March 6, 1997	Press Release announcing release of public review draft and upcoming Metro public hearings on draft
March 1997	Distribution of 50-75 draft master plans to public
March 12, 1997	Project Advisory Committee unanimous endorsement of draft Master Plan
March 18, 1997	Metro Regional Parks and Greenspaces Advisory Committee public hearing on draft Master Plan. Committee unanimously approved draft plan and forwarded recommendation for approval to Metro Council.
April 8, 1997	Metro Council Regional Facilities Committee public hearing. Committee approves draft master plan and forwards recommendation to full Council.
April 17, 1997	Metro Council public hearing. Council approves master plan.
May 6, 1997	Press Release announcing availability of Final Master Plan

- Prior to each Community Open House and Metro public hearings, press releases were distributed to the news media, articles were published in the Sauvie Island Outlook announcing meetings, meeting notices were posted at gathering areas on the island and mailed to several island community organizations, park neighbors and roughly 200 other interested citizens.
- Following each open house, meeting minutes were mailed to those who attended the meetings and other interested citizens on the project mailing list.

Throughout the planning process, Metro experienced positive support for the master plan by the project advisory committee, and other members of the public that were involved. If I can be of further assistance please do not hesitate to call me at 797-1843.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Ciecko', written in a cursive style.

Charles Ciecko, Director
Metro Regional Park and Greenspaces

Cc: Derrick I. Tokos, Land Use Planner

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Monday, November 27, 2000 8:59 AM
To: BOGSTAD Deborah L; TOKOS Derrick I
Cc: FARMER Stuart L; MUIR Susan L; 'Creswick, Lora'; 'Price, Lora'
Subject: RE: Decision on the Howell Territorial Park de novo hearing

Just to get it straight, the context of any communication to the Board on this de novo hearing, is the effort to come to a resolution of the matter.

—Original Message—

From: BOGSTAD Deborah L
Sent: Tuesday, November 21, 2000 4:49 PM
To: TOKOS Derrick I
Cc: FARMER Stuart L; MUIR Susan L; DUFFY Sandra N; 'Creswick, Lora'; 'Price, Lora'
Subject: Decision on the Howell Territorial Park de novo hearing

Sandy just got back to me re the de novo case concerning Howell Territorial Park, and her response was that yes, the public hearing portion of the de novo was closed, and that yes, the Board will hear from representatives of the parties, i.e. Metro, Land Use, Sauvie Island Boosters & fire folks, prior to making its decision, but there will not be an opportunity for other citizens to sign up and testify. I also got a call from Lora Price from Metro asking if 1/4/01 was the only date available for the decision and I was able to let her know that time just opened up on Tuesday, December 19th, if they wanted that date instead. I also reiterated that the memo to the Board requesting a continuance of the decision from 12/7 to whatever date, include language stating that Metro waives the 150 day clock to that date. I've left a message with Lora Creswick as to Sandy's conclusions, and I have the decision penciled in for 30 minutes on both dates, just waiting for you all to let me know which one you all prefer - by noon, Wednesday, November 29th so I can plug it onto the 12/7 agenda advising all of the continued date. Thanks.

Deb Bogstad

Multnomah County Board Clerk

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

phone (503) 988-3277 fax (503) 988-3013

<http://www.co.multnomah.or.us/cc/index.html>

**METRO**

Regional Parks and Greenspaces

600 NE Grand Ave. Portland OR 97232 (503) 797-1850

Metro Regional Parks and Greenspaces Department**FAX**

DATE:	<u>November 27, 2000</u>	FROM:	<u>Lora Price</u>
TO:	<u>Deborah Bogstad</u>		<u>ENVIRONMENTAL PLANNER</u>
PHONE:	<u>503-988-3277</u>	PHONE:	<u>797-1846</u>
FAX:	<u>503-988-3013</u>	FAX:	<u>797-1849</u>

EMAIL: pricel@metro.dst.or.usCOMMENTS: Request for Continuance for Howell Park Conditional Use Application
Original to follow.NUMBER OF PAGES INCLUDING COVER SHEET 2

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

November 27, 2000

Deborah Bogstad; Board Clerk
Multnomah County Board of Commissioners
501 SE Hawthorne, Suite 600
Portland, Oregon 97214

Dear Ms. Bogstad:

We are requesting a continuance to postpone the scheduled date of December 7th, 2000 for a hearing before the Board of Commissioners in consideration of our Conditional Use application for Howell Territorial Park. We are requesting to be rescheduled to January 4, 2000 and agree to toll the clock for the time frame between October 26, 2000 and January 4, 2001.

Since the October 26th hearing, we have followed up to bring further resolution to the three remaining issues of the application identified by the County's staff report; farming impacts, emergency response and traffic.

We have met with the Multnomah County Transportation staff and are incorporating their requests to revise our Transportation Management Plan and supply a letter from the Sheriff's office affirming their support of that plan. We met with the Safety Action Committee on 11/14/00, including the Fire Chief of the Volunteer Fire Department to further address concerns over potential emergency responses generated by the park. We met with 23 Sauvie Island Boosters on 11/16/00 to further analyze potential impacts to farming practices and hear resident's general concerns. We are requesting a one-month continuance to enable us to revise farming impact findings and to receive anticipated letters.

Sincerely,

Lora Price

Lora Price
Regional Planner

Cc: Derrick Tokos

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Tuesday, November 28, 2000 9:57 AM
To: BOGSTAD Deborah L
Subject: FW:

FYI

-----Original Message-----

From: DUFFY Sandra N
Sent: Tuesday, November 28, 2000 8:59 AM
To: 'Sheilah Toomey'
Cc: MUIR Susan L
Subject: RE:

I am the county's attorney. I was clarifying that the public hearing on this matter is over. Ms. Creswick and METRO were allowed time by the Board of County Commissioners to informally mediate a resolution and bring it back to the Board. The next time the Board addresses this matter (I understand METRO is asking for a reset), there will not be a continuation of the public hearing. However, the Board, I am sure, will want to hear from Ms. Creswick and METRO about their attempts to resolve their differences. The Board will then go on to deliberate on the matter before it the appeal by METRO and make a decision to affirm or reverse the Hearings Officer's decision.

-----Original Message-----

From: Sheilah Toomey [mailto:st@teleport.com]
Sent: Tuesday, November 28, 2000 6:44 AM
To: sandra.n.duffy@co.multnomah.or.us
Subject:

Sandra,

I am a resident of Sauvie Island and working on the Bybee Park proposal with Metro, Lora Creswick and others. Lora C. shared with me your e-mail to her that says, "Just to get it straight, the context of any communication to the Board on this de novo hearing, is the effort to come to a resolution of the matter."

Please help me identify who you are in the "cast of characters" in this effort. And, please help me understand what is meant by "any communication to the Board" and "come to a resolution of the matter."

Thanks,
Sheilah Toomey

BOGSTAD Deborah L

From: Ken Helm [helmk@metro.dst.or.us]
Sent: Wednesday, January 03, 2001 2:41 PM
To: derrick.i.tokos@co.multnomah.or.us; deborah.l.bogstad@co.multnomah.or.us
Cc: Charlie Ciecko; Lora Price
Subject: Howell Supplemental Findings - CU-02



HowellTenParkSuppFi
ndings.002...

Deborah and Derrick;

Attached are the revised supplemental findings that Derrick suggested be added to the findings for Metro's application CU-02. The new section is added to the findings for Section 8A. The balance of the supplemental findings are unchanged. Please call me if you have questions

**Howell Territorial Park
Supplemental Findings
January 4, 2001**

Introduction

The Multnomah County Hearings Officer's decision in CU 0-2 was submitted to the County Clerk July 7, 2000. The applicant, Metro appealed that decision to the Multnomah County Board of Commissioners (Board) on July 19, 2000. The Board held a public hearing on October 26, 2000 to consider the appeal. Metro presented testimony and evidence that addressed issues raised by the Hearings Officer. That information included an October 10, 2000 information packet to the Board and a packet entitled "Metro Parks & Greenspaces Presentation Materials for Howell Territorial Park." Two Sauvie Island residents testified on farming issues but did not submit evidence or information to the Board. After closing the public hearing, the Board requested that Metro, county planning staff and Sauvie Island residents meet to resolve issues related to farming practices, traffic and fire district service. The Board, at its January 4, 2001 meeting considered supplemental information responding to the meetings with island residents and planning staff. Staff recommended approval with conditions.

These findings replace or supplement the findings of the Hearings Officer. The findings and attached conditions of approval demonstrate compliance with all applicable provision of the Multnomah County Zoning Ordinance and Comprehensive Plan.

5. Project Description

The project description remains the same as set forth in the Hearings Officer's report with the addition of the following. The original application requested two picnic shelters that would serve a total of 185 persons. Metro has modified this request to three picnic shelters; two for 60 persons each and one at 120 persons for a total maximum capacity of 240 persons. The applicant has restricted the number of special events held at the park to the existing Wintering-In Festival and two other events. The two other events will not exceed 1,000 participants and will be held prior to August 15th of each year.

6. Compliance with the Purpose of the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2002. The findings and evidence in the May 10, 2000 staff report on MCC 11.15.2002 are incorporated here by this reference. The Hearings Officer identified issues related to the management of Metro lands that are leased to Marge Tabor. Surrounding farmers stated concerns about the spread of noxious weeds from Metro land to their own. The Board finds that existing farm practices on Metro leased land are unrelated to the issue of whether the proposed improvements to Howell Territorial Park meet this code requirement. However, Metro has responded to those concerns by agreeing to implement a farm management plan that includes herbicide application, mending fences, and applying stock rotation to the pastures managed by Marge Tabor. The Board has required implementation of this plan as a condition of approval. With the application of the farm management plan, MCC 11.15.2002 is satisfied.

9. Accessory Uses Permitted in the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2014(B). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.20014(B) are incorporated here by this reference. At the Board's October 26, 2000 hearing, Metro provided evidence demonstrating that fences bordering the pastured areas of Metro's property have been repaired. The farm management plan submitted by Metro includes ongoing maintenance of perimeter fencing to reduce the incidence of neighbors' cows wandering onto Metro's property.

8.A. Uses Permitted in the Exclusive Farm Use Zone District Subject to Conditional Use Approval: MCC .2012(E), Parks, playgrounds or community centers owned and operated by a governmental agency.

The Board supplements the Hearings Officer's findings of compliance with MCC 11.15.2012(E). Howell Territorial Park is owned and operated by Metro, which is a governmental agency and local government for the purposes of ORS Chapters 197 and 215. Parks are conditional uses permitted in the Exclusive Farm Use zone under MCC 11.15.2012.

This code provision is based on ORS 215.283(2)(d) which was amended by the Oregon Legislature in 1999. Prior to 1999, the statute allowed "Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization." Former ORS 215.283(2)(d) (1997). In 1999, two provisions were added to the statute. House Bill 3571 added the phrase "and operated primarily by and for residents of the local rural community." Senate Bill 882 added the phrase "[a] public park may be established consistent with provisions of ORS 195.120." These new provisions appear to apply to the subject application because they became effective prior to the date Metro's application was deemed complete.

The question that the new provisions raise is whether all parks located on EFU zoned land must be operated solely by and for residents of the related rural community. The Board finds that the statute is unclear as to whether the new phrase "and operated primarily by and for residents of the local rural community" applies to parks and playgrounds or just to community centers. Two factors lead the Board to conclude that the new provision is intended to condition only the establishment of community centers in EFU zones. First, ORS 215.283(c) allows private parks and playgrounds in EFU zones. The reference to parks and playgrounds in ORS 215.283(2)(d) applies to other parks including government operated parks. The use of the disjunctive term "or" in the statute appears to separate parks and playgrounds from community centers. The new provisions appear to attach only to community centers. This would properly limit the establishment of community centers to those operated by and for the residents of the local community, but not the establishment of other parks or playgrounds.

Second, the other 1999 amendment to ORS 215.283(2)(d) expressly allows the establishment of state and local parks in EFU zones under ORS 195.120. This statute does not contain any limitation on the operation of those parks. The state administrative rules that implement ORS 195.120 define local parks as "a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is

designated as a public park in the applicable comprehensive plan and zoning ordinance.” OAR 660-034-0010(8). Thus, local parks under ORS 195.120 include parks operated by a regional government such as Howell Territorial Park. State and local parks are typically operated both for rural residents and other residents of the entire state or region. To interpret the phrase “operated primarily by and for residents of the local rural community” to forbid the establishment or modification of state, regional and local parks on EFU lands that are not operated by the rural community would render the phrase “[a] public park may be established consistent with provisions of ORS 195.120.” superfluous.

For these reasons, the Board interprets ORS 215.823(2)(d) in a way that gives meaning to all parts of the statute. That interpretation correctly conditions only community centers to be “operated primarily by and for residents of the local rural community.” Since the proposed improvements to Howell Territorial Park do not establish a community center, the Board finds that the statute allows approval of Metro’s application as a conditional use in the EFU zone.

In the alternative, the Board finds that the Howell Territorial Park Master Plan complies with ORS 195.120 and OAR Chapter 660, Division 34. State statute expressly authorizes the establishment of state and local parks, including regional parks in exclusive farm use zones. In 1997 the Board adopted the Sauvie Island / Multnomah Channel Rural Area Plan. The rural area plan is part of the county’s comprehensive plan. It contains policies and strategies for implementing those policies. Policy 42 of the rural area plan requires the county to make recommendations and participate with Metro in the planning of Howell Territorial Park.

The Board is fulfilling this policy objective through its participation in reviewing Metro’s current application. The Howell Territorial Park Master Plan is a comprehensive set of land use policies that support the cultural, historical and recreational use of the park consistent with the EFU zone. For the reasons set forth below, the Board adopts the Howell Territorial Park Master Plan as the applicable planning document to guide the future use of Howell Territorial Park.

The Howell Territorial Park Master Plan contains uses that are permitted in EFU zones under OAR 660-034-0035(2). The proposed trails are permitted under OAR 660-034-0035(c). The proposed picnic shelters are allowed under OAR 660-034-0035(b). The proposed parking lot, overflow parking, restrooms and admission booth are consistent with OAR 660-034-0035(f). The proposed changes to the historic barn are consistent with ORS 215.283(2)(w) which allow living history museums in EFU zones. The purpose for the barn improvements are to promote, expand and upgrade the existing museum space in the barn and to provide kitchen and office facilities to support the museum space. The Board finds that these uses are consistent with the “limited commercial activities and facilities that are directly related to the use and enjoyment” of the barn as a place to display the implements and information on early agricultural life in the county. ORS 215.283(2)(w).

The Board also finds that the Howell Territorial Park Master Plan is consistent with applicable statewide planning goals. The Master Plan demonstrates that the Master Planning process included extensive public participation in compliance with Goal 1. That process invited dialogue with Sauvie Island residents and provided two workshops during the development of the plan. A Project Advisory Committee was created to provide independent review of the plan as it

progressed. Six of the eight members of the committee were Sauvie Island residents.¹ When the draft Master Plan was complete, it was distributed for public comment. The plan received extensive review in public forums at Metro and was presented to this Board in 1997.

Consistent with Goal 2, these supplemental findings and the findings of the Hearings Officers demonstrate that the Howell Territorial Park Master Plan complies with all applicable policies of the county comprehensive plan and zoning ordinance. Those findings are incorporated here by this reference. The Board has also coordinated with Metro in adopting the Howell Territorial Park Master Plan. No other local government requested to coordinate on this application.

Parks are conditional uses allowed in EFU zones. Consistent with Goal 3, the Howell Territorial Park Master Plan demonstrates that the proposed uses will be compatible with surrounding farm uses and practices. The Hearings Officer's findings, as amended by these supplemental findings of compliance with MCC 11.15.7120(A)(3), and (3)(a & b) are incorporated here by this reference. Metro has identified potential impacts on farm practices. The Board does not consider these impacts to be significant to the extent that they would require changes to farming practices or increase the cost of those practices.

The May 10, 2000 staff report identifies all relevant issues related to Goals 5, 6 and 7. Those findings are incorporated here by this reference.²

The Howell Territorial Park Master Plan is consistent with Goal 8 by supporting recreational and education opportunities appropriate to the historic site. The improved access to the park proposed by the application will allow for increased public enjoyment of the park grounds by all county residents.

The Board finds that the Howell Territorial Park Master Plan is consistent with Goal 12. Metro's traffic impact study submitted by Kittelson & Associates and reviewed by the County Transportation Department demonstrate that park improvements will not have a significant impact on Sauvie Island Road. The County Transportation Department has reviewed and approved the Traffic Management Plan ("TMP") as amended by Metro's December 19, 2000 submittal from Kittelson & Associates. The effectiveness of the TMP is demonstrated in the Board's findings of compliance for MCC 11.15.7120(A)(3) and (A)(3)(a & b). Those findings are incorporated here by this reference. The combination of the TMP and the conditions the Board has imposed related to transportation ensure that the safety and efficiency of Sauvie Island Road will not be significantly affected by the proposed improvements to Howell Territorial Park.

The Board finds that the procedures and criteria used to develop the Howell Territorial Park Master Plan are comparable to those that apply to state parks Master Planning under OAR 736, Division 18. The process for developing the Howell Territorial Park Master Plan is very similar to the procedures required under OAR 736-018-0015. Sections 1-5 of this rule required assessment of the current conditions of the park land and potential for recreational, cultural and natural resources to be properly utilized in the park. Chapter 1 and 2 of the Howell Territorial

¹ Howell Territorial Park Master Plan at p. 7 and October 30, 2000 letter from Charles Ciecko.

² May 10, 2000 staff report at p. 18-19.

Park Master Plan discuss the physical, hydrological, natural, cultural, recreational and educational opportunities at the park. The Board finds that the Master Plan's analysis is comparable to OAR 736-018-0015(1-5).

Sections 7-10 and 16-22 of the administrative rule require public participation through advisory committees and public meetings. The public involvement for Howell Territorial Park Master Plan is discussed in the Board's findings of consistency with Goal 1. Those findings are incorporated here by this reference. The Board finds that Metro's public involvement program for the Howell Territorial Park Master Plan process is comparable to the requirements of OAR 736-018-0015(7-10) and (16-22).

Sections 11 – 15 of the rule require an assessment of potential impacts to the surrounding area that may result from new park uses. Chapters 3 and 4 of the Howell Territorial Park Master Plan detail the components of the Master Plan and how the plan will be implemented. The application before the Board refines the Master Plan and analyzes potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference.

The Board finds that the Howell Territorial Park Master Plan adequately protects and manages the identified resources of the park comparable to the requirements of OAR 736-018-0020(2). This rule requires the protection and management of important natural resources from inappropriate park use. Chapter 3 of the Howell Territorial Park Master Plan and Metro's application identify the Goal 5 natural resources located in the park. The proposed improvements to the park identified in the Master Plan and application do not propose development in or near these resources. The Board's findings on consistency with Goal 5 are incorporated here by this reference. The Board finds that this analysis is comparable to that required by OAR 736-0018-0020(2)(a & d).

The rule requires Master Plans to protect important cultural resources and provide recreational opportunities. The primary objective of the Howell Territorial Park Master Plan is to protect the Bybee Howell house and historic grounds. The method of protection is to provide public access for cultural, historical, scenic and recreational purposes.³ For these reasons, the Board finds that the Howell Territorial Park Master Plan and Metro's application accomplish the same objectives as OAR 736-018-0020(2)(b, c, e & f).

The administrative rule also requires interpretive facilities for the natural, cultural and recreational resources at parks. The Howell Territorial Park Master Plan provides Education / Interpretive Programs that includes information, signage, guided and self tours, workshops and events for the purpose of communicating the historic and cultural importance of the Bybee Howell house and grounds. The Board finds that the Master Plan is comparable to the requirements of OAR 736-018-0020(2)(g).

³ Howell Territorial Park Master Plan at p.5.

The administrative rule finally requires that potential impacts from park use on surrounding lands and transportation facilities be mitigated. The Howell Territorial Park Master Plan and application describe the potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference. The Board has also found the Master Plan to be consistent with all applicable statewide planning goals. Those goal findings are incorporated here by this reference. For these reasons, the Board finds that the Howell Territorial Park Master Plan and application are comparable to the requirements of OAR 736-018-0020(2)(h-l).

Compliance with ORS 195.120 and OAR 660-034-0040 also requires a demonstration of compliance with ORS 215.296. The Board's findings of compliance with MCC 11.15.7120(A)(2), (A)(3) and (A)(3)(a & b) demonstrate compliance with this requirement. Those findings are incorporated here by this reference.

12. Compliance With MCC 11.15.2026, EFU Access Requirements

These findings supplement the Hearings Officer's findings on compliance with MCC 11.15.2026. Metro's traffic impact analysis and submissions at the Board's October 26, 2000 hearing demonstrate that the existing intersection of Sauvie Island Road and Howell Park Road is adequate to accommodate the traffic anticipated as a result of the proposed improvements. At the October 26, 2000 hearing, the Board discussed whether a right hand turn lane from Sauvie Island Road is necessary to support this application. An October 18, 2000 analysis by Kittelson & Associates demonstrates that at projected peak use, the anticipated level of traffic does not warrant the construction of a right hand turn lane. The Board accepts this analysis as the best evidence demonstrating the sufficiency of the current intersection. In later meetings with Metro the County's Transportation Department, agreed that a right hand turn lane is not necessary at this time, provided that Metro's Traffic Management Plan (TMP) is fully implemented as amended in Metro's December 19, 2000 submission to the Board. The Transportation Department agrees that the amended TMP will insure that the intersection remains safe and functional during special events like the Wintering-In festival. Based on this evidence, the Board finds that MCC 11.15.2026 is satisfied.

15.B. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria: MCC .7120(A)(2), Will not adversely affect natural resources.

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(2). Facts contained in the May 10, 2000 staff report identify natural areas near the proposed improvements. The staff report states that Metro's proposal does not include any significant development adjacent to identified natural areas. The Board accepts those findings of fact here by this reference.

The Hearings Officer stated concerns that overflow parking for special events in the turf fields had the potential to contaminate a nearby wetland. However, there is no evidence of such contamination occurring in the past in these areas. In an October 10, 2000 submission from

Metro, the applicant provided additional facts that demonstrate that the wetlands are not in danger of contamination during the brief seasonal use that the overflow parking would occur. The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year. Those events will only occur during the summer when there is little chance that contaminants will be washed onto surrounding lands. In an October 26, 2000 staff report to the Board, staff concluded that Metro's additional evidence showed that the overflow parking will have no measurable impact on nearby wetlands. The Board finds that the evidence provided by Metro addresses the Hearings Officer's concerns and adequately satisfies MCC 11.15.7120(A)(2).

15.C, D and E.

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3), Will not conflict with farm or forest uses in the area.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(a), Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(b), Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A), .7120(A)(3)(a) and .7120(A)(3)(b). For the reasons set forth below, the Board finds that the proposed park improvements will be consistent with farm uses in the area and will not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. There are no identified forest practices on lands surrounding the park.

The Hearings Officer found that Metro's application did not contain enough information to complete the analysis required by these code sections. At the Board's October 26, 2000 hearing and in subsequent submissions, Metro has provided supplemental analysis that satisfies these code sections.

Metro's December 19, 2000 submission pages 2 – 5 identifies the farming uses and practices on all surrounding lands within ½ mile of the park. The Board adopts and incorporates those findings of fact here by this reference.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

In Metro's October 10, 2000 submission to the Board, the farmers on surrounding lands did not indicate that they felt that the park improvement would cause a significant change or increase in the cost of their farming practices. Metro's impacts analysis included in its December 19, 2000 submission demonstrates that although the park improvements will have some impacts on surrounding farm practices, none of the impacts will force a significant change in farm practices or significantly increase the cost of accepted farm practices on surrounding lands. The Board agrees.

Three potential impacts were identified: (1) potential pesticide drift to park users, (2) management of pastures and orchards in the park for noxious weeds and pests, and (3) traffic impacts affecting the movement of farm machinery and delivery of harvests to market.

The application of pesticides on surrounding farms is accomplished through boom spraying and air blasting. No aerial spraying is currently employed. Even if aerial spraying occurs in the future, the facts presented by Metro demonstrate that spraying would occur at least 600 feet from all park use areas. Evidence from the OSU Extension Service shows that there is no detectable pesticide drift beyond 300 feet from the point of application. Based on this information, the Board finds that no change in pesticide application practices will be required to accommodate the proposed park uses.

Metro has already undertaken an aggressive program to combat noxious weeds on lands adjacent to the park. That program and a recommended condition are discussed below. Metro staff have met with nearby farmers on several occasions to determine whether existing farm practices at the park have impacts on surrounding farms. Metro has responded to concerns from surrounding farmers on the issue of noxious weeds. As part of this application, Metro has already initiated a program to control areas of ragwort tansy and other weeds through herbicide applications. Metro has submitted a farm management plan with help from Mr. Chip Bubl of the Oregon State University Extension Service which includes procedures for ongoing management of the pastures. The Board finds that the management plan adequately addresses weed control on Metro property and will adequately mitigate any impacts on surrounding lands.

The traffic impact analysis in Metro's application prepared by Kittelson & Associates shows that traffic attributable to the proposed park improvements will represent only .8% of the traffic on Sauvie Island. The Board accepts this evidence and concludes that, the number of addition vehicles on Sauvie Island Road will not disrupt the movement of farm machinery or delivery of harvested crops to market. Metro's October 10, 2000 submission to the Board explains that during interviews with surrounding farmers, those farmers did not consider ordinary use of the park to represent a significant impact or cause an increase in the costs of their farm practices.

Special events like the Wintering-In Festival, which draws up to 4,500 visitors over two days was raised by farmers as a potential impact. Of primary concern to the surrounding farmers is traffic congestion during harvest time. The peak harvest time for the majority of crops in the area is August 15-October 31st of each year.

Metro's application includes a Traffic Management Plan (TMP) that will be implemented for special events. Amendments to the TMP included in Metro's December 19, 2000 submission provides additional oversight by the Multnomah County Sheriffs Office, event signing, parking lot operations and event plan reviews by the county's Transportation Department. The TMP will be implemented for any event where 300 or more participants per day are anticipated at the park. In addition, Metro has agreed, and the Board has applied a condition that special events that attract over 300 visitors per day will be limited to 3 per year including the Wintering-In festival. The two events other than the Wintering-In festival will be limited to 1,000 participants total, and those events will be held prior to August 15th of each year to avoid peak harvest times on the island. Metro has agreed and the Board has imposed a condition that Metro provide notice to surrounding farmers at least three weeks prior to special events to enable farmers to plan for alternative routes if they so desire. The Board finds that the identified traffic impacts will not force a significant change in farming practices and will not significantly increase the cost of farming on surrounding lands.

The Board finds that based on the evidence in the record, Metro has met its burden to demonstrate that the park improvements are consistent with the EFU zone and will not cause significant changes in farm practices or significantly increase the costs of those practices. No other evidence on farm impacts was provided to either the Hearings Officer or the Board. The Board concludes that the identified impacts on surrounding farmers are not significant, nor do they significantly increase the cost of farming. To the extent that lesser impacts exist, those will be mitigated with the implementation of the TMP and conditions that the Board has imposed.

**15.F. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(4), Will not require public services other than those existing
or programmed for the area.**

These findings replace the Hearings Officer's findings for MCC 11.15.7120(A)(4). The May 10, 2000 staff report found that public services in the area include sheriff and fire protection, electricity, schools and roads. Water is pumped from existing onsite wells and sewer needs are handled by a septic system. The park is already served by electricity from an existing power source near the park. The park will not generate students that increases demands on nearby schools. As indicated in finding 12 above, the park expansion will not require road improvements to Sauvie Island Road. Multnomah County Sheriff's Department has indicated that the park improvements will not require additional sheriffs service.

Initially, the Fire District indicated that it could provide fire suppression service to the park. In a letter submitted during the appeal of the Hearings Officers decision, the Fire District suggested that it could not provide emergency medical service to the park due to the anticipated increased usage. At the Board's October 26, 2000 appeal hearing, Metro provided evidence that indicates that emergency medical services have been requested at a nearly nonexistent level at Howell

Territorial Park over the last 10 years. Metro also contracts for onsite medical emergency services for its Wintering -In festival. At that hearing, the Board requested that Metro contact representatives of the Fire District and make this information available to them.

In its December 19, 2000 submission to the Board, Metro provides copies of two letters to Don Posvar, Fire Chief of the Sauvie Island Fire Department. A November 15, 2000 Metro letter provides a summary of issues discussed with Mr. Posvar at a November 14, 2000 Safety Action Committee on Sauvie Island. At that meeting Metro provided data that shows that two of Metro's other parks have annual attendance of 300,000 and 200,000 visitors respectively. This is 10 to 15 times the anticipated use at Howell Territorial Park. Even at these high use levels, the other parks have only generated a few emergency calls per year. Based on this information, it appears that Mr. Posvar indicated that such a low level of service need could be accommodated by the Fire District. In the same letter, Metro requests a letter from the Fire Department reflecting Mr. Posvar's statements at the Safety Action Committee. In a December, 13, 2000 letter from Lora Price to Mr. Posvar, Metro again requests a letter from the Fire District. In a December 21, 2000 letter, the Fire District provided a response indicating its opinion that medical service could not be provided.

Based on the information Metro provided to the Fire District, the Board finds that it is unlikely that any measurable increase in emergency medical service will be required to support the improvements to the park. Certainly no new fire service will be needed other than the fire service already programmed for the area. The Board finds that the only evidence in the record indicates that the park improvements will generate one or two calls to the Fire District per year. At that extremely low anticipated use, the Board concludes that Metro's application complies with MCC 11.15.7120(A)(4).

**15.H. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(6), Will not create hazardous conditions.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(6). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.7120(A)(6) are incorporated here by this reference. Those findings demonstrate that with the implementation of the TMP, no hazardous conditions with result from approval of Metro's application. The Board's findings of compliance for MCC 11.15.2026 demonstrate that the intersection of Sauvie Island Road and Howell Park Road will remain safe and functional after the park improvements are constructed. Those findings are incorporated here by this reference. The Board finds that MCC 11.15.7120(A)(6) is satisfied.

**18.P. Compliance With MCC 11.15.6100, Off-Street Parking and Loading Requirements:
MCC .6142(F), Minimum Required Off-Street Parking Spaces, Unspecified Uses,
Any use not specifically listed above shall have the requirements of the listed use or
uses deemed most nearly equivalent by the Planning Director.**

These findings replace the Hearings Officer's findings of compliance with MCC 11.15.6142(F). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.6142(F) are incorporated here by this reference. The Hearings Officer identified a discrepancy between the

anticipated number of overflow parking spaces identified in the application versus the number identified in the master plan. The Board finds that no discrepancy exists. The Board interprets the application to refine the master plan. The application, Figure G.1 shows approximate overflow parking spaces of 147 for the north turf field and 353 for the south turf field for a total of about 500 overflow spaces. Since these areas are fields, the actual number of vehicles that can be accommodated may vary depending on how the vehicles are parked. The Board finds that the application provides evidence that at least 500 overflow spaces are available which is sufficient to satisfy MCC 11.15.6142(F).

20.A. Compliance With Applicable Comprehensive Plan Policies: Policy 13: Air, Water and Noise Quality

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 13. The findings and evidence in the May 10, 2000 staff report on Policy 13 are incorporated here by this reference. The Hearings Officer identifies traffic impacts as an issue to which Policy 13 applies. The Board finds the Hearings Officer's findings on Policy 13 to be unrelated to the issues identified in Policy 13. Furthermore, the Board has found that Metro's traffic impact analysis adequately describes the anticipated traffic impacts on Sauvie Island Road. The Board's findings of compliance with MCC 11.15.2026 are incorporated here by this reference. The Board finds that Policy 13 is satisfied.

20.B. Compliance With Applicable Comprehensive Plan Policies: Policy 14: Developmental Limitations

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 14. The findings and evidence in the May 10, 2000 staff report on Policy 14 are incorporated here by this reference. The Board finds that none of the development limitations identified in Policy 14 are present in the area proposed for improvement. No development is proposed on the turf fields that will serve overflow parking. To the extent those fields are used, their use will be limited to short periods during the summer months which will not pose a danger to fragile soils or the water table in the area. The Board finds that Policy 14 is satisfied.

20.D. Compliance With Applicable Comprehensive Plan Policies: Policy 31: Community Facilities and Uses

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 31. The findings and evidence in the May 10, 2000 staff report on Policy 31 are incorporated here by this reference. The October 18, 2000 analysis from Kittelson & Associates demonstrates that during normal peak park operations, the road capacities, traffic counts, speed limits and turning points at the intersection of Sauvie Island Road and Howell Park Road will not cause safety problems on the roadway. During special events, the TMP as amended will be implemented which will insure that Policy 31 is met. The Board incorporates the findings for MCC 11.15.2026 here by this reference. Policy 31 is satisfied.



Donna Matrazzo
Scripts and Concepts

19300 Sauvie Island Rd.
Sauvie Island
Portland, OR 97231
(503) 621-3049

3 January, 2001

TO: MULTNOMAH COUNTY COMMISSIONERS

RE: METRO'S PROPOSED HOWELL TERRITORIAL PARK PLAN -- REQUEST
DENIAL FOR PICNIC SHELTERS

Part of the Project Advisory Committee

I was one of the island residents who was on Metro's Project Advisory Committee for the Howell Territorial Park Master Plan. I also wrote the "Site Guide" for Howell Territorial Park and Howell Lake *in WILD IN THE CITY: A Guide to Portland's Natural Areas*, published last month by Portland Audubon and the Oregon Historical Society.

Opposed to Permanent Picnic Structures

While I approve of the plan in general -- ie, the interpretive, educational and wetlands restoration aspects -- I am very much opposed to the construction of large covered picnic shelters. I believe that these structures are out of keeping with the Master Plan, and will skew the usage of the park from people there for reasons relating to this unique site -- to an outdoor party place. The place will be filled, certainly every weekend spring through fall, with people simply there to have picnics.

No Recollection of the Advisory Committee Even Talking About Picnic Shelters

I told Charlie Ciecko, who questioned why I wasn't now entirely supporting Metro's plan, that I have no recollection whatsoever of any talk of picnic shelters in all our committee discussions. My impression was that this was something Metro added as an afterthought to help make some income off the site.

Eight Words in a 38-Page Document

I further responded to Charlie that The Master Plan itself reflects my recollection of its intent and balance: There are 38 pages describing wildlife habitat, educational opportunities, flora, fauna, history, archeology, hydrology and the like. There is a whole list of "educational opportunities" like guided interpretive hikes, school field trips, living history demonstrations and the like. All this is what I supported when I supported the Master Plan.

Picnicking Will Become the Dominant Use of the Park

As far as I can see, the only mention of picnic shelters is 8 words on page 34 that list under "Table 10: New Structures" -- Picnic Shelters (60 persons) and Picnic Shelters (125 persons). I commented to Charlie that these seemed insignificant. But now that they have become an issue and I have been forced by my Sauvie Island Conservancy colleagues and neighbors to focus on how they will play out in actuality, it is obvious that picnicking will become the dominant use of the part and picnickers -- ie, outdoor party folks -- will by far become the dominant users. This was not the intent of, nor was this reflected in the Master Plan.

Support Interpretive Elements

I do, however, support Metro's proposal to have an interpretive trail and interpretive signs, to teach people about the site, and I understand that the small parking area with pavers is necessary for handicap access. Restrooms are also a good idea.

Recommend Temporary Picnic Facilities Instead

I support the suggestion by many that instead of large permanent picnic shelters, Metro offer temporary shelters. This will lessen both the numbers of picnickers and will be more in keeping with the historical integrity of the site.

I ask that you will deny approval of the picnic shelters and request that Metro Greenspaces look to developments that are in keeping with the nature of this unique historic site.

Thank you for your consideration.



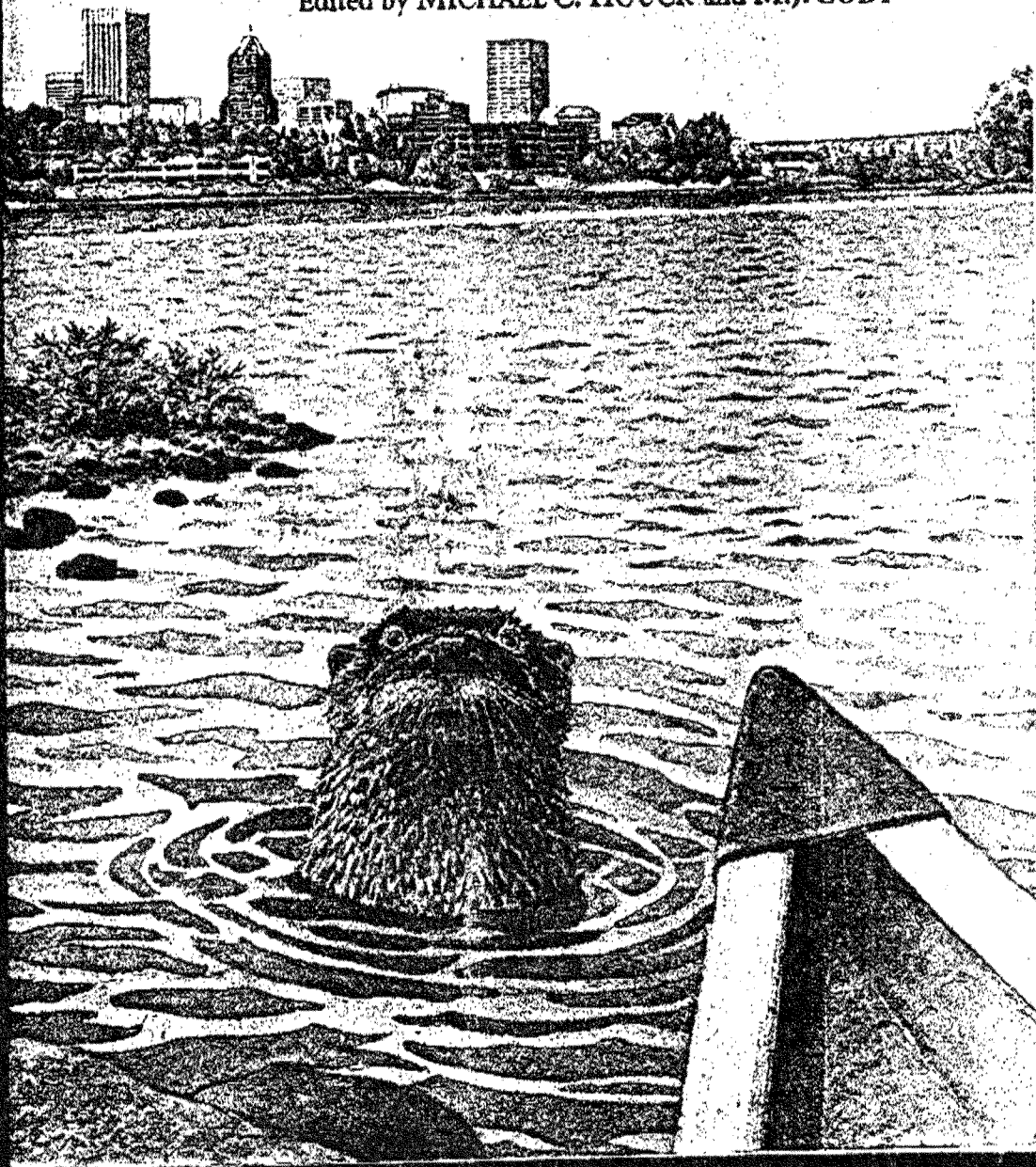
Donna Matrazzo

Attachments: Site guide from *WILD IN THE CITY*

Wild in the City

A guide to Portland's natural areas

Edited by MICHAEL C. HOUCK and M.J. CODY



Howell Territorial Park and Howell Lake

Location

NW Sauvie Island Rd.,
approx. 1 mile from the
Sauvie Island Bridge

Activities

Wildlife watching

Facilities

Toilets
Wheelchair accessibility
Parking
Interpretive center
(interpretive information)
Picnic area
Historic house

Fees and Regulations

Restricted hours: day
use only
No pets

Highlights

Most of the seasonal
ponds and lakes on Sauvie
Island dry up in summer. A
recent restoration of
Howell wetlands included
the installation of a well
and pump, making this
one of the few places on
the island for consistently
great bird-watching in the
drier seasons.

Public Transit

Tri-Met #17 to the parking
lot beneath the Sauvie
Island bridge. From there
it's a one-mile walk or
bicycle ride.

Thomas Guide 535

The graceful and authentically restored Bybee House, centerpiece of Howell Territorial Park, is Sauvie Island's only remaining house built by Oregon Trail homesteaders. In 1873, the Bybees sold the property to John and Joseph Howell, who founded a successful dairy farm on the site.

Today the 93-acre park showcases Oregon's cultural and natural history in a pastoral setting that features an agricultural museum and an orchard of fruit trees planted with cuttings from historic 19th-century trees. A pasture includes seven oak trees which comprise a remnant of the Savannah oak communities historic to island uplands.

Howell Lake is actually a freshwater wetland. The two dominant plant species are reed canarygrass and soft rush, but wapato—the wild potato that was an important food source for Native Americans—still grows along the eastern edge. One of the few places west of the Cascades to spot yellow-headed blackbirds, the Lake is home to dozens of species of birds including green-winged teal, wood ducks, great blue herons, American coots, and common mergansers.

Large white gourds suspended from high posts near the lake provide nesting sites for purple martins, a sensitive species that once nested mainly in tree cavities in old growth forests.

A section of the Gilbert River defines the park's eastern boundary, and the site also contains other large natural wetlands and small mixed deciduous forest areas. Combined, these create good habitats for a multitude of species such as California quail, barn owls, and ring-necked pheasants, and amphibians like the western fence lizard.

While California ground squirrels are the most visible mammal, readily seen scurrying about the meadows and trees, other mammals frequently spotted are black-tailed deer, red foxes, coyote, and beaver.

Access

A planned 1,200-foot paved trail and a 3,000-foot unpaved trail leading to the wetlands and marshes and other park facilities are in the works.

How to Get There

Take Hwy. 30 northwest to the Sauvie Island Bridge. Follow NW Sauvie Island Rd. for approx. 1 mile and turn right on Howell Park Rd. See map on page 321.

By Donna Matrazzo

For more information: Howell Territorial Park or Metro Regional Parks and Greenspaces, see Resources.

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BOGSTAD Deborah L

From: In The Works [intheworks@jps.net]

Sent: Wednesday, January 03, 2001 10:10 PM

To: mult.chair@co.multnomah.or.us; serena.m.cruz@co.multnomah.or.us; diane.m.linn@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us; lonnie.j.roberts@co.multnomah.or.us; BOGSTAD Deborah L

Cc: derrick.i.tokos@co.multnomah.or.us

Subject: Bybee Howell Territorial Park CU-0-2

Commissioners: After the October 26 Hearing, as we prepared to work with Metro and the County to come together with ideas which would be acceptable to the residents and all concerned, I asked if we could ask questions of the Board of Commissioners and was told that we should not bring the subject to any of you because the subject would be off limits until the date of the hearing - Jan. 4, 2001.

I have just been advised that information has been received by the board from Metro and therefore I am forwarding to you the proposals we -the committee of Sauvie Island residents- compiled and sent to both Metro and the County early in December after our meeting with Metro representatives. Our only response from Metro has been that they received the document. Therefore, I feel we have not met our goal - which, as I understood it, was to work together and come up with solutions. Instead, we have discussed at length, our concerns, printed it clearly and heard nothing in return.

I will be present to speak at the meeting Jan 4 at 11 AM and hope to be in compliance with the expectations you may have.

Lora Creswick

Sauvie Island Resident,
Sauvie Island Boosters,
Sauvie Island Grange Member

01/04/2001

December 13, 2000- Updated: January 2, 2001

To: Metro Parks and Greenspaces, Multnomah Co.
Planning Staff and County Commissioners

From: Sauvie Island Boosters, Residents, Grange and
other interested persons

Regarding Howell Territorial Park
Construction projects proposed by Metro Parks file CU 0-2

Less is More: The fragile infrastructure of Sauvie Island with the narrow road and old bridge cannot afford to invite more visitors. The very heart of what makes this park unique would soon be gone if we allow Metro to carry out this construction project as proposed.

We clearly must protect the historic integrity of the house and grounds for future generations to see what an old homestead in Oregon was like.

IMPACT of Metro's proposed plan:

The pillar of Oregon Land Use Law is to preserve farm use and the intent is clearly to stop EFU lands from becoming tourist attractions!

A. Conflicts with EFU zones in accepted farming practices and increasing costs to neighboring properties (One example: applications of herbicides and pesticides on adjoining farmlands would conflict with park usage and add financial burden to farmers). We have not seen a farm plan for the acreage.

Review State Planning Goals three (Agricultural Lands) and five (Open Spaces, Scenic and Historic Areas, and Natural Resources).

B. The Engineering studies are very convincing in requiring a right turn lane to accommodate the proposed added traffic per year at the Howell park road off Sauvie Island Rd.; however, it would be extremely unusual for the Dike authority (Sauvie Island Drainage District and Corps of Engineers) to risk the structural integrity of the dike by approving such a plan. Depending totally on the Transportation people to come up with a traffic management plan for each event is a non-answer to the traffic question. We need assurances before this permit is accepted and are not interested in the "wait and see" attitude after the fact. Therefore, it makes more

sense to ask that no more visitors per year be invited to the park to assure the roads and our elderly bridge will not be further impacted.

C. Sauvie Island Volunteer Fire Department is dispatched at each 911 call whether it is a fire, health emergency or traffic accident. Adding thousands more people to the Island each year will obviously add more calls to 911. The volunteers fight fires once in a while, but most often are dealing with pulling duck hunters out of the mud, helping people in traffic accidents, bike accidents, and health problems. Having an emergency truck at the Park will not stop all those types of calls associated with visitors.

We want to continue to invite "visitors" who seek this park because of the historic nature - we do not need "users" who are simply looking for a place to party. The metropolitan area has many wonderful parks for picnics and parties. Also, this is currently the only public place a person can drive, park their car and have a picnic for *free* on the Island.

Proposed Solutions from the Sauvie Island Committee:

1. Parking: The fields should remain as fields and used as overflow parking for the Wintering In and smaller events of up to 300 people, such as weddings. The proposed hard surface parking area detracts from the view of the house, is unsightly from Sauvie Island road and not necessary as we do not want to invite more people to the site than currently visit each year.

2. Traffic: The numbers of vehicles visiting the Island increases yearly, while the roads and bridge just get older and are not scheduled for significant maintenance anytime soon. We must react to stop the increases at every opportunity. The heavier the traffic, the more opportunity for 911 response calls (dealing with fires, health issues, vehicle accidents, car break ins), difficulty for farm traffic, congestion for those who live and work here. (We will be working with other agencies to limit traffic to the beaches during the summer, but that is another subject.)

3. Trails: The proposed trails would dramatically alter the wildlife habitat that exists today and should not be as extensive as illustrated in the proposal. What good is a path to see the birds if we run the birds out of their homes? Viewing blinds don't fool shy species of wildlife. **A few walkways near the house and barn to allow a wheelchair access would be acceptable.**

4. Barn and House: Both need repairs; Remodeling the existing barn to create larger restrooms would be very favorable as it is imperative that restrooms be made available at that location for year round accessibility. The security of the antiques, etc. must be maintained, therefore, a separate entrance is important.

Continuing to feature the antique equipment and other implements used in the late 1800's would be extremely helpful in educating those visitors who are interested in local history.

Metro representatives made a suggestion at one of the meetings with Sauvie Island residents that they hope to turn an unused area of the barn into a classroom for future visits from school children. This we applaud.

House: The house needs a great deal of maintenance- A certified inspection must be done to determine the work and methods of repair to be accomplished; we agree with Metro's proposal that a kitchen be brought back to replicate the time of the wood-burning cookstove. It could be made available for a small class to observe how food was preserved, daily meals prepared. The pitcher pump would be located in the sink or just outside the door - Oregon Historical Society has photos of such which should be consulted for design authenticity.

5. An additional restroom building is not necessary. New restrooms should be located inside the existing barn structure with an exterior entry. Restrooms need to be available more hours to accommodate bird watchers, bicyclists and others during the year.

6. We are very uncomfortable with Covered Picnic Shelters: The plan from Metro includes two structures for 60 and one for 120 people ! In the early days families laid out a blanket under the trees for a picnic- if there was a light rain, or a very hot day, they would move into a grove of trees. To enjoy this historical site appropriately, one should expect to sit on the ground or at one of the existing picnic tables. (Temporary fabric canopies would be acceptable) We feel we must stress how important it is to not create more structures to this site.

7. Viewing area: Viewing should be restricted to that space near the existing structures so as not to disrupt the ground by leaving the scents of humans and compact the soil with too much foot traffic.

8. Cows: It is important that cows graze in the back field. Visitors should expect to see them there and the animals are part of the balance. Perhaps chickens, ducks and guinea hens could be added.

9. Interpretive panels: It is very important to have information for the self-guided tours, however, this can be carried out in a number of ways other than large plastic panels placed throughout the grounds. We suggest the panels replace those on the swinging post that is now located on the back porch of the house. They should also be published in the form of brochures. The Significant Environment Concern criteria states in MCC.6408 c (paraphrase: guidelines regarding ways to attain visual subordination include) "Use of nonreflective or low reflective materials and dark natural or earthtone colors."

Note: The Significant Environmental Concern (SEC) has identified the following areas as public areas that provide important views of a significant scenic resource (and include both sites and linear corridors):

Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

"Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings."

10. Lighting: Also from MCC.6408 "No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials."

Since the hours of operation of the park require closing at sundown, there are no reasons for exterior lighting. This too would preserve the visual integrity of the landscape.

11. Farm Plan: The importance of a Farm Plan cannot be stressed enough! This is the blueprint for farm maintenance and management.

Local farmers are required to have a plan, why should Metro be different? Noxious weeds have been a continual problem on the property as well as insect infestations, which would be controlled if one followed an *approved* plan. We have asked for and not received a Farm Plan.

12. Representation: The residents on Sauvie Island do not have representation on the Metro board and are not able to vote for that body, therefore, we propose a Board of Island residents be established to oversee the activities and decisions affecting public areas on the island owned and operated by Metro Park and Greenspaces Department. This Board would be a recognized body who would have equal representation in all ways to those seated on the METRO council.

This would be a board with authority to discuss and create policy for the operations of properties on the Island, along with, but not limited to, hours of operation, events of interest, schedules of events, permits for alcohol, color of paint, etc. This would help establish trust which is severely lacking between the community and METRO.

An example of our lack of trust for METRO: Our boat ramp was recently rebuilt without input from our community. We now have a NEW boat ramp that only allows one boat at a time to enter and exit instead of two with the old ramp. If the fire truck -with the station a short distance from the ramp- needs to fill up with water and one of you are trying to enter or exit the waterway, you will be hindering the safety of someone who needs the water!

13. Ballot measure 7: What will happen to the property values of those parcels of land adjoining the Howell Park and who is responsible?
We are happy Metro has money to spend here- let's use it responsibly.

We neighbors of the Park strive to be environmentally savvy people everyday, not simply when politically convenient. Our motive is to keep the park clean, existing structures safe and to be good stewards of the land and most of all, good neighbors.

pdxtra

THE
CITY...
& MORE

Jonathan
Nicholas



LOVE HURTS

The pattern is getting to be a familiar one. Because we're Oregonians — which is to say a community still struggling through adolescence — whenever we like something we want to save it forever.

Preserve and protect it.

Make it pretty.

Hang a sign out front.

Next thing we know, all kinds of folks want to come take a look. So we put in picnic benches and a parking lot.

Goodbye, Garden of Eden.

Hello, destroying-the-village-in-order-to-save-it.

Things aren't quite that bad on Sauvie Island. Yet.

Ray Horton, who helped restore the island's historic Bybee-Howell House in 1969, is working to whip up interest in plans for Howell Territorial Park. Metro wants to build there new covered picnic facilities, new restrooms, interpretive displays, etc. It also wants to gravel the field in front of the house for parking.

All this, Horton says, "would completely change the serene and historic nature of the park, and is simply wrong."

Hold on a minute, says David Bragdon, boss at Metro.

Proposed changes in the park were outlined in a master plan adopted by the Metro Council in 1997. The entire project has been developed in close consultation with the Oregon Historical Society. Even that gravel parking lot is environmentally sensitive.

All this fuss is over one of Oregon's oldest farms and the home that James and Julia Bybee built there in 1858. In recent years, the sylvan setting has been popular for everything from natural history interpretive programs and family picnics to its annual Wintering-In harvest festival.

Sheilah Toomey, who lives on a houseboat on the island, spent a summer as a guide at the house. Her concern, she says, is "the utter loss of historical integrity. It's almost a sacred place. No other place in Multnomah County is like this, with roots direct to the historic homesteading days."

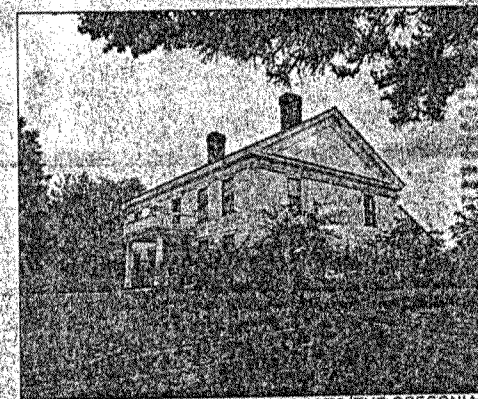
Up next for Metro's plan is a Jan. 4 hearing before the Multnomah County Commission on a conditional-use permit.

Bybee was one of the first Multnomah County commissioners. His successors may just walk softly in his footsteps.

Says Horton: "This is too special and unique to be reduced to just another park with 21st-century insensibilities."

And so the debate rages. From the Snake River to the Steens. From Frenchglen to Forest Park. As more and more Oregonians throng to take their walk on the wild side, we more and more risk paving paradise in order to preserve it.

Reach Nicholas at 503-221-8533, by fax at 503-294-7691.



FILE PHOTO/THE OREGONIAN

The Bybee House on Sauvie Island.

LETTERS TO THE EDITOR

RESPONSES

Series bared a national disgrace

Thanks and congratulations for your continuing superb coverage of INS abuses. Your excellent series earlier this year has already brought some belated remediation in Portland. Belated, since "Deportland" has already atrophied as an international gateway, at great economic cost to Oregon.

INS misconduct is a national disgrace that has been too little noted by the rest of our national media.

Foreigners know what Americans do not about the INS, and our nation has become morally tarnished in the eyes of the world, especially in the Third World.

Perhaps the crux of the problem inheres in the dehumanizing term commonly used by customs officials to refer to human beings suspected of being illegal entrants to the USA: "Garbage."

DAVE SHOWALT
Port Or

Even citizens should be wary

Your mention of the comments of U.S. Rep. Dana Rohrabacher, R-Calif., prompted me to imagine that in a technical oversight the permit that allowed his antecedents into this country many years ago had been granted contrary to rules in place at the time. With the new 1996 rules in place, it is now even more necessary for Rohrabacher to be immediately repatriated to wherever his family can roam. Of course, his family can go with him, or can they?

No one doubts that America should have some sensible control over how people arrive from other countries and visit or live here, but the stories you are telling should make even citizens nervous, let alone resident aliens or any other innocent party.

BOB STEIN
West

INS aids those who follow rules

I would like to respond to your series on the INS. I feel this is a very one-sided opinion of the INS. Yes, their system has some flaws, but what system is perfect?

My husband is a resident alien and times we have found the paperwork cumbersome. The INS has lost some paperwork and smudged a few fingerprints, but eventually he got his "green card."

I believe you can have a positive experience with INS if you follow the "rules." Immigration and naturalization can be accomplished successfully if a person follows instructions and the

which is planning to put up three large covered picnic shelters, a restroom building, trails, interpretive panels scattered around the grounds, a gravel parking lot and more. Called improvements, they are Metro's thoughtless plan to increase revenues and park use.

I wish Mr. Brower could stand on the back porch of the 1858 Bybee House with me and look out at the landscape they saw as they farmed their Donation Land Act 640 acres. We wouldn't talk, just share that view and be reminded of our pioneer past. Then I'd ask him what I could do to dissuade Metro from carrying out its plans. Maybe he would say, "Just remind them that this place is fragile and once lost, is gone forever."

SHEILAH TOOMEY
Sauvie Island

Make room for skaters, too

In response to your editorial, "Skating in the streets," Dec. 5), I would like help round out the other sides of this issue. I am a 36-year-old married, working mother of two. I am also an avid inline skater, an International Inline Skating Association Level 1 certified inline instructor.

Not all skaters are children. So far, most of the references in the press and by city officials are about children out after dark or destroying property. Unfortunately, as responsible adult inline skaters, we are subject to the same laws as if we were children playing with our toys in the street.

We believe that skaters and pedestrians and vehicles can coexist safely and effectively in Portland.

NANCY HARTMAN
IISA Level 1 Instructor
SK84KIX Inline Skate School
Southwest Portland

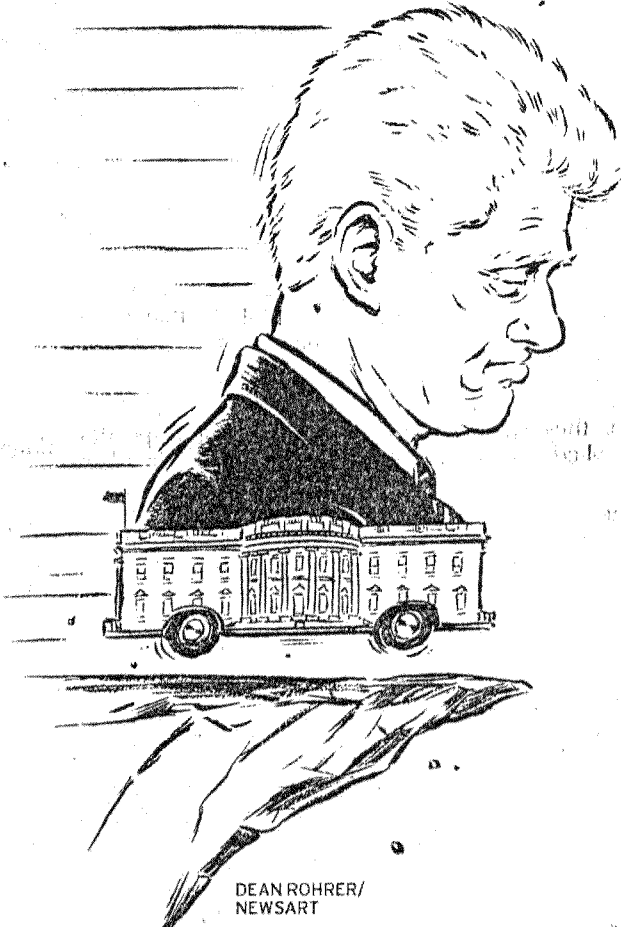
Conserve energy every day

In response to the Metro section headline on Dec. 13. "Utilities cancel power warning," I have a sustainable idea. Let's pretend that we are constantly short of power and try to conserve energy all of the time.

How about making regular practice of turning off unused lights, setting the thermostat to 68 or less, using less hot water and lessening our use of energy-intensive appliances (computers, kitchen gadgets, televisions, garage-door openers) especially when a nonenergy-intensive alternative is available.

Not only will we save money, but our lives might be happier without the clutter that energy gluttony brings.

MATTHEW PILES



DEAN ROHRER/
NEWSART

protecting endangered species, they should do all they can to protect species on our public lands.

DANIEL HALL
Southeast Portland

Preserve Sauvie Island as gem

Change the names in The Sunday Oregonian article by the late David Brower, ("Preserve Yosemite as a national gem, not a profit center," Dec. 3), and it would fit a current situation on Sauvie Island at Howell Territorial Park.

Exchange "Yosemite" for "Sauvie Island" and "National Park Service" for "Metro,"

LETTERS BOX SCORE

Total received last week.....661
Total published.....74

Hot topic: You guessed it, for 10 weeks now the presidential election has brought in the most letters. Writers commented on a wide range of topics - including Florida's election equipment, counting every vote, the rule of law and the constant parade of lawyers and media talking heads. The largest number of responses poured in after the U.S. Supreme Court halted the recount, then voted in a split decision that ended Al Gore's legal fight. Ninety-five readers

lost race

re Naderites. way the Flori- r wasn't run. or the courts he outcome. 's decision to a man [who] women issues at President) everyone's

ame home to nton had re- have run as lent. Al Gore of the Clin- be paying off o come. And en a margin and contests ist four years president, all mds.

RDON SHAW
Klamath Falls

land

od Meadows a B rating, d C? (The Or- his the same that has de- s to [destroy] high alpine

e 1960s, the resort has es of once flower-filled It summarily rejected in Sandy, with shuttle i areas. Instead, it de- ge environmentally de- 1 Highway 35. It has her in wetlands.

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PHYLLIS KIRK
Oregon City

speaking out

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ED CURTIS
Sandy



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

January 4, 2001
11:00 AM

DRAFT MOTION FOR DE NOVO HEARING

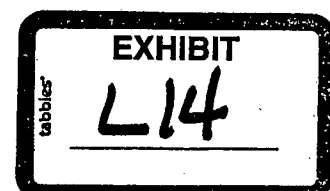
In the matter of:

Case File CU 0-2

A Request for Condition Use Permit for development within Howell Territorial Park

I hereby move that, based on the record before us today, we accept the applicant's arguments as presented and adopt by reference the applicant's findings and conclusions in lieu of those contained in the Hearings Officer written decision that led to a denial of the application. All other findings contained in Hearings Officer written decision are accepted and adopted herein as part of our decision.

Further, we find it necessary to condition our approval of this application to ensure that the standards and criteria upon which the findings are based are satisfied. To this end we adopt by reference the conditions of approval dated December 27, 2000, presented before us this day by county staff.



December 27, 2000

Case #CU 0-2, Conditional Use Permit for Howell Territorial Park

Conditions of Approval:

1. This Conditional Use approval is based on the submitted written narrative and plans, and shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.
2. As necessary to ensure compliance with MCC 11.15.7120(A), which requires that proposed development not significantly impact farm uses and accepted farm practices on surrounding farmed lands, the applicant/owner shall:
 - a. Restrict bookings of picnic shelters to allow only one group per shelter per day with the total number of persons not to exceed 300 per day.
 - b. Limit its special events to three events per calendar year. Special events are any event involving 300 or more participants. Each event is to be limited to two days in duration. The two events other than the Wintering Inn Festival are to be capped at a maximum attendance of 1000 persons each, and are restricted to the timeframe of June 1st and August 15th of a given year.
 - c. Provide at least three weeks advance written notice of pending special events to all property owners or farm leaseholders within half a mile of Howell Territorial Park.
 - d. Repair perimeter fencing, control noxious weeds in pasture areas and monitor and manage the pastures and the orchard consistent with the farm management plan submitted for the Board's January 4, 2000 meeting (Exhibit L10).
3. The applicant/owner shall submit evidence from the Oregon State Health Division, Drinking Water Program, establishing that the on-site private water system is suitable for public consumption. Such evidence shall be provided at time of Design Review.
4. As required to establish compliance with MCC 11.15.2018(A), the applicant/owner shall submit a copy of a recorded deed showing that the subject property conforms to the configuration approved with property line adjustment case #PLA 8-96.
- 5. Vehicular access to overflow parking areas is to be gated or otherwise restricted when not in use, and is prohibited during the wet season between November 1 and May 1 of a given year (MCC 11.15.7120(A)(2)).

6. As necessary to ensure compliance with MCC 11.15.7120(A)(4), requiring that new development not require public services other than those existing or programmed for the area the applicant/owner shall, prior to issuance of a building permit:
 - a. Dedicate 10 feet of right-of-way along the entire frontage of NW Sauvie Island Road. As part of this dedication, a 25-foot radius will be provided within the northeast and southeast quadrants of the Howell Park Road/NW Sauvie Island Road intersection. In addition, a 5-foot slope easement immediately east of the dedicated right-of-way will be granted for the sole purpose of roadway-related construction and Multnomah County owned utilities (i.e., storm drainage, and sewer).
 - b. Dedicate a 20 foot easement for bicycle/pedestrian facility in the location illustrated on the applicant's site plans
 - c. Agree not to remonstrate against the formation of a local improvement district for the purpose of roadway improvements or construction of the bicycle/pedestrian facility. The Right-Of-Way Permit Office should be contacted for instructions on how to complete this agreement (phone: 503-988-3582).
7. The applicant/owner shall implement the Transportation Management Plan contained in the traffic study and as amended by the December 19, 2000 submission from Kittelson & Associates for any event where 300 or more participants per day are anticipated (Attachment D, Exhibit L7). For those events requiring traffic controls, the applicant/owner shall apply for and obtain a special events permit from the Multnomah County Transportation Division (MCC 11.15.7120(A)(6)). The Multnomah County Sheriff's Office Patrol Lieutenant will be contacted at least 14 days prior to any such event. Metro Regional Parks and Greenspaces shall be responsible for all expenses incurred for the hiring of Multnomah County Sheriff's Office personnel (or designated individuals approved by the Sheriff's Office) beyond normal staffing levels during any such event.
8. The applicant/owner shall provide on-site ambulance service for all special events. Additionally, a person trained in first aid/CPR shall be on-site for all weekends from June through September of each year (MCC 11.15.7120(A)(4) & (6)).
9. As required to establish compliance with MCC 11.15.6132(A), the applicant/owner shall use clean gravel when surfacing the new parking lot and is to construct the lot consistent with the design specification contained in the document titled Gravelpave² (Exhibit 18).
10. As required under MCC 11.15.7125, the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.

11. Off-street parking and loading lighting criteria (MCC 11.15.6134), design standards (MCC 11.15.6138), and landscaping/screening criteria (MCC 11.15.6140) are detailed requirements that are to be satisfied with Design Review.
12. Specification for any new signs shall be reviewed for compliance with sign criteria listed under MCC 11.15.7902 et. seq. at time of Design Review. No signs are to be placed within the public right-of-way without a permit from the Multnomah County Transportation Division.
13. This Conditional Use approval shall expire six years from the date a decision on this application is final, unless design review has been granted for all phases of development listed under Finding 14, and construction has either concluded or substantial construction has been determined pursuant to MCC 11.15.7110(C).

**Howell Territorial Park
Supplemental Findings
January 4, 2001**

Introduction

The Multnomah County Hearings Officer's decision in CU 0-2 was submitted to the County Clerk July 7, 2000. The applicant, Metro appealed that decision to the Multnomah County Board of Commissioners (Board) on July 19, 2000. The Board held a public hearing on October 26, 2000 to consider the appeal. Metro presented testimony and evidence that addressed issues raised by the Hearings Officer. That information included an October 10, 2000 information packet to the Board and a packet entitled "Metro Parks & Greenspaces Presentation Materials for Howell Territorial Park." Two Sauvie Island residents testified on farming issues but did not submit evidence or information to the Board. After closing the public hearing, the Board requested that Metro, county planning staff and Sauvie Island residents meet to resolve issues related to farming practices, traffic and fire district service. The Board, at its January 4, 2001 meeting considered supplemental information responding to the meetings with island residents and planning staff. Staff recommended approval with conditions.

These findings replace or supplement the findings of the Hearings Officer. The findings and attached conditions of approval demonstrate compliance with all applicable provision of the Multnomah County Zoning Ordinance and Comprehensive Plan.

5. Project Description

The project description remains the same as set forth in the Hearings Officer's report with the addition of the following. The original application requested two picnic shelters that would serve a total of 185 persons. Metro has modified this request to three picnic shelters; two for 60 persons each and one at 120 persons for a total maximum capacity of 240 persons. The applicant has restricted the number of special events held at the park to the existing Wintering-In Festival and two other events. The two other events will not exceed 1,000 participants and will be held prior to August 15th of each year.

6. Compliance with the Purpose of the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2002. The findings and evidence in the May 10, 2000 staff report on MCC 11.15.2002 are incorporated here by this reference. The Hearings Officer identified issues related to the management of Metro lands that are leased to Marge Tabor. Surrounding farmers stated concerns about the spread of noxious weeds from Metro land to their own. The Board finds that existing farm practices on Metro leased land are unrelated to the issue of whether the proposed improvements to Howell Territorial Park meet this code requirement. However, Metro has responded to those concerns by agreeing to implement a farm management plan that includes herbicide application, mending fences, and applying stock rotation to the pastures managed by Marge Tabor. The Board has required implementation of this plan as a condition of approval. With the application of the farm management plan, MCC 11.15.2002 is satisfied.

9. Accessory Uses Permitted in the Exclusive Farm Use Zone District

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.2014(B). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.20014(B) are incorporated here by this reference. At the Board's October 26, 2000 hearing, Metro provided evidence demonstrating that fences bordering the pastured areas of Metro's property have been repaired. The farm management plan submitted by Metro includes ongoing maintenance of perimeter fencing to reduce the incidence of neighbors' cows wandering onto Metro's property.

8.A. Uses Permitted in the Exclusive Farm Use Zone District Subject to Conditional Use Approval: MCC .2012(E), Parks, playgrounds or community centers owned and operated by a governmental agency.

The Board supplements the Hearings Officer's findings of compliance with MCC 11.15.2012(E). Howell Territorial Park is owned and operated by Metro, which is a governmental agency and local government for the purposes of ORS Chapters 197 and 215. Parks are conditional uses permitted in the Exclusive Farm Use zone under MCC 11.15.2012.

This code provision is based on ORS 215.283(2)(d) which was amended by the Oregon Legislature in 1999. Prior to 1999, the statute allowed "Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization." Former ORS 215.283(2)(d) (1997). In 1999, two provisions were added to the statute. House Bill 3571 added the phrase "and operated primarily by and for residents of the local rural community." Senate Bill 882 added the phrase "[a] public park may be established consistent with provisions of ORS 195.120." These new provisions appear to apply to the subject application because they became effective prior to the date Metro's application was deemed complete.

The question that the new provisions raise is whether all parks located on EFU zoned land must be operated solely by and for residents of the related rural community. The Board finds that the statute is unclear as to whether the new phrase "and operated primarily by and for residents of the local rural community" applies to parks and playgrounds or just to community centers. Two factors lead the Board to conclude that the new provision is intended to condition only the establishment of community centers in EFU zones. First, ORS 215.283(c) allows private parks and playgrounds in EFU zones. The reference to parks and playgrounds in ORS 215.283(2)(d) applies to other parks including government operated parks. The use of the disjunctive term "or" in the statute appears to separate parks and playgrounds from community centers. The new provisions appear to attach only to community centers. This would properly limit the establishment of community centers to those operated by and for the residents of the local community, but not the establishment of other parks or playgrounds.

-Second, the other 1999 amendment to ORS 215.283(2)(d) expressly allows the establishment of state and local parks in EFU zones under ORS 195.120. This statute does not contain any limitation on the operation of those parks. The state administrative rules that implement ORS 195.120 define local parks as "a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is

designated as a public park in the applicable comprehensive plan and zoning ordinance.” OAR 660-034-0010(8). Thus, local parks under ORS 195.120 include parks operated by a regional government such as Howell Territorial Park. State and local parks are typically operated both for rural residents and other residents of the entire state or region. To interpret the phrase “operated primarily by and for residents of the local rural community” to forbid the establishment or modification of state, regional and local parks on EFU lands that are not operated by the rural community would render the phrase “[a] public park may be established consistent with provisions of ORS 195.120.” superfluous.

For these reasons, the Board interprets ORS 215.823(2)(d) in a way that gives meaning to all parts of the statute. That interpretation correctly conditions only community centers to be “operated primarily by and for residents of the local rural community.” Since the proposed improvements to Howell Territorial Park do not establish a community center, the Board finds that the statute allows approval of Metro’s application as a conditional use in the EFU zone.

In the alternative, the Board finds that the Howell Territorial Park Master Plan complies with ORS 195.120 and OAR Chapter 660, Division 34. State statute expressly authorizes the establishment of state and local parks, including regional parks in exclusive farm use zones. In 1997 the Board adopted the Sauvie Island / Multnomah Channel Rural Area Plan. The rural area plan is part of the county’s comprehensive plan. It contains policies and strategies for implementing those policies. Policy 42 of the rural area plan requires the county to make recommendations and participate with Metro in the planning of Howell Territorial Park.

The Board is fulfilling this policy objective through its participation in reviewing Metro’s current application. The Howell Territorial Park Master Plan is a comprehensive set of land use policies that support the cultural, historical and recreational use of the park consistent with the EFU zone. For the reasons set forth below, the Board adopts the Howell Territorial Park Master Plan as the applicable planning document to guide the future use of Howell Territorial Park.

The Howell Territorial Park Master Plan contains uses that are permitted in EFU zones under OAR 660-034-0035(2). The proposed trails are permitted under OAR 660-034-0035(c). The proposed picnic shelters are allowed under OAR 660-034-0035(b). The proposed parking lot, overflow parking, restrooms and admission booth are consistent with OAR 660-034-0035(f). The proposed changes to the historic barn are consistent with ORS 215.283(2)(w) which allow living history museums in EFU zones. The purpose for the barn improvements are to promote, expand and upgrade the existing museum space in the barn and to provide kitchen and office facilities to support the museum space. The Board finds that these uses are consistent with the “limited commercial activities and facilities that are directly related to the use and enjoyment” of the barn as a place to display the implements and information on early agricultural life in the county. ORS 215.283(2)(w).

The Board also finds that the Howell Territorial Park Master Plan is consistent with applicable statewide planning goals. The Master Plan demonstrates that the Master Planning process included extensive public participation in compliance with Goal 1. That process invited dialogue with Sauvie Island residents and provided two workshops during the development of the plan. A Project Advisory Committee was created to provide independent review of the plan as it

progressed. Six of the eight members of the committee were Sauvie Island residents.¹ When the draft Master Plan was complete, it was distributed for public comment. The plan received extensive review in public forums at Metro and was presented to this Board in 1997.

Consistent with Goal 2, these supplemental findings and the findings of the Hearings Officers demonstrate that the Howell Territorial Park Master Plan complies with all applicable policies of the county comprehensive plan and zoning ordinance. Those findings are incorporated here by this reference. The Board has also coordinated with Metro in adopting the Howell Territorial Park Master Plan. No other local government requested to coordinate on this application.

Parks are conditional uses allowed in EFU zones. Consistent with Goal 3, the Howell Territorial Park Master Plan demonstrates that the proposed uses will be compatible with surrounding farm uses and practices. The Hearings Officer's findings, as amended by these supplemental findings of compliance with MCC 11.15.7120(A)(3), and (3)(a & b) are incorporated here by this reference. Metro has identified potential impacts on farm practices. The Board does not consider these impacts to be significant to the extent that they would require changes to farming practices or increase the cost of those practices.

The May 10, 2000 staff report identifies all relevant issues related to Goals 5, 6 and 7. Those findings are incorporated here by this reference.²

The Howell Territorial Park Master Plan is consistent with Goal 8 by supporting recreational and education opportunities appropriate to the historic site. The improved access to the park proposed by the application will allow for increased public enjoyment of the park grounds by all county residents.

The Board finds that the Howell Territorial Park Master Plan is consistent with Goal 12. Metro's traffic impact study submitted by Kittelson & Associates and reviewed by the County Transportation Department demonstrate that park improvements will not have a significant impact on Sauvie Island Road. The County Transportation Department has reviewed and approved the Traffic Management Plan ("TMP") as amended by Metro's December 19, 2000 submittal from Kittelson & Associates. The effectiveness of the TMP is demonstrated in the Board's findings of compliance for MCC 11.15.7120(A)(3) and (A)(3)(a & b). Those findings are incorporated here by this reference. The combination of the TMP and the conditions the Board has imposed related to transportation ensure that the safety and efficiency of Sauvie Island Road will not be significantly affected by the proposed improvements to Howell Territorial Park.

The Board finds that the procedures and criteria used to develop the Howell Territorial Park Master Plan are comparable to those that apply to state parks Master Planning under OAR 736, Division 18. The process for developing the Howell Territorial Park Master Plan is very similar to the procedures required under OAR 736-018-0015. Sections 1-5 of this rule required assessment of the current conditions of the park land and potential for recreational, cultural and natural resources to be properly utilized in the park. Chapter 1 and 2 of the Howell Territorial

¹ Howell Territorial Park Master Plan at p. 7 and October 30, 2000 letter from Charles Ciecko.

² May 10, 2000 staff report at p. 18-19.

Park Master Plan discuss the physical, hydrological, natural, cultural, recreational and educational opportunities at the park. The Board finds that the Master Plan's analysis is comparable to OAR 736-018-0015(1-5).

Sections 7-10 and 16-22 of the administrative rule require public participation through advisory committees and public meetings. The public involvement for Howell Territorial Park Master Plan is discussed in the Board's findings of consistency with Goal 1. Those findings are incorporated here by this reference. The Board finds that Metro's public involvement program for the Howell Territorial Park Master Plan process is comparable to the requirements of OAR 736-018-0015(7-10) and (16-22).

Sections 11 – 15 of the rule require an assessment of potential impacts to the surrounding area that may result from new park uses. Chapters 3 and 4 of the Howell Territorial Park Master Plan detail the components of the Master Plan and how the plan will be implemented. The application before the Board refines the Master Plan and analyzes potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference.

The Board finds that the Howell Territorial Park Master Plan adequately protects and manages the identified resources of the park comparable to the requirements of OAR 736-018-0020(2). This rule requires the protection and management of important natural resources from inappropriate park use. Chapter 3 of the Howell Territorial Park Master Plan and Metro's application identify the Goal 5 natural resources located in the park. The proposed improvements to the park identified in the Master Plan and application do not propose development in or near these resources. The Board's findings on consistency with Goal 5 are incorporated here by this reference. The Board finds that this analysis is comparable to that required by OAR 736-0018-0020(2)(a & d).

The rule requires Master Plans to protect important cultural resources and provide recreational opportunities. The primary objective of the Howell Territorial Park Master Plan is to protect the Bybee Howell house and historic grounds. The method of protection is to provide public access for cultural, historical, scenic and recreational purposes.³ For these reasons, the Board finds that the Howell Territorial Park Master Plan and Metro's application accomplish the same objectives as OAR 736-018-0020(2)(b, c, e & f).

The administrative rule also requires interpretive facilities for the natural, cultural and recreational resources at parks. The Howell Territorial Park Master Plan provides Education / Interpretive Programs that includes information, signage, guided and self tours, workshops and events for the purpose of communicating the historic and cultural importance of the Bybee Howell house and grounds. The Board finds that the Master Plan is comparable to the requirements of OAR 736-018-0020(2)(g).

³ Howell Territorial Park Master Plan at p.5.

The administrative rule finally requires that potential impacts from park use on surrounding lands and transportation facilities be mitigated. The Howell Territorial Park Master Plan and application describe the potential impacts to farm uses, farm practices, resource management and transportation needs. The Hearings Officer's findings as supplemented by these findings on MCC 11.15.7120(A)(2) and 11.15.7120(A)(3) and (A)(3)(a & b) demonstrate that the park improvements will not have significant impacts on farming or transportation. Those findings are incorporated here by this reference. The Board has also found the Master Plan to be consistent with all applicable statewide planning goals. Those goal findings are incorporated here by this reference. For these reasons, the Board finds that the Howell Territorial Park Master Plan and application are comparable to the requirements of OAR 736-018-0020(2)(h-l).

Compliance with ORS 195.120 and OAR 660-034-0040 also requires a demonstration of compliance with ORS 215.296. The Board's findings of compliance with MCC 11.15.7120(A)(2), (A)(3) and (A)(3)(a & b) demonstrate compliance with this requirement. Those findings are incorporated here by this reference.

12. Compliance With MCC 11.15.2026, EFU Access Requirements

These findings supplement the Hearings Officer's findings on compliance with MCC 11.15.2026. Metro's traffic impact analysis and submissions at the Board's October 26, 2000 hearing demonstrate that the existing intersection of Sauvie Island Road and Howell Park Road is adequate to accommodate the traffic anticipated as a result of the proposed improvements. At the October 26, 2000 hearing, the Board discussed whether a right hand turn lane from Sauvie Island Road is necessary to support this application. An October 18, 2000 analysis by Kittelson & Associates demonstrates that at projected peak use, the anticipated level of traffic does not warrant the construction of a right hand turn lane. The Board accepts this analysis as the best evidence demonstrating the sufficiency of the current intersection. In later meetings with Metro the County's Transportation Department, agreed that a right hand turn lane is not necessary at this time, provided that Metro's Traffic Management Plan (TMP) is fully implemented as amended in Metro's December 19, 2000 submission to the Board. The Transportation Department agrees that the amended TMP will insure that the intersection remains safe and functional during special events like the Wintering-In festival. Based on this evidence, the Board finds that MCC 11.15.2026 is satisfied.

15.B. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria: MCC .7120(A)(2), Will not adversely affect natural resources.

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(2). Facts contained in the May 10, 2000 staff report identify natural areas near the proposed improvements. The staff report states that Metro's proposal does not include any significant development adjacent to identified natural areas. The Board accepts those findings of fact here by this reference.

The Hearings Officer stated concerns that overflow parking for special events in the turf fields had the potential to contaminate a nearby wetland. However, there is no evidence of such contamination occurring in the past in these areas. In an October 10, 2000 submission from

Metro, the applicant provided additional facts that demonstrate that the wetlands are not in danger of contamination during the brief seasonal use that the overflow parking would occur. The overflow parking will occur in the part of the fields closest to the Howell house and will be no closer to the subject wetland than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events per year. Those events will only occur during the summer when there is little chance that contaminants will be washed onto surrounding lands. In an October 26, 2000 staff report to the Board, staff concluded that Metro's additional evidence showed that the overflow parking will have no measurable impact on nearby wetlands. The Board finds that the evidence provided by Metro addresses the Hearings Officer's concerns and adequately satisfies MCC 11.15.7120(A)(2).

15.C, D and E.

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3), Will not conflict with farm or forest uses in the area.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(a), Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(3)(b), Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A), .7120(A)(3)(a) and .7120(A)(3)(b). For the reasons set forth below, the Board finds that the proposed park improvements will be consistent with farm uses in the area and will not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. There are no identified forest practices on lands surrounding the park.

The Hearings Officer found that Metro's application did not contain enough information to complete the analysis required by these code sections. At the Board's October 26, 2000 hearing and in subsequent submissions, Metro has provided supplemental analysis that satisfies these code sections.

Metro's December 19, 2000 submission pages 2 – 5 identifies the farming uses and practices on all surrounding lands within ½ mile of the park. The Board adopts and incorporates those findings of fact here by this reference.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

Surrounding farming activities include cultivating nursery stock, maintaining orchards and raising row crops. Farming practices include plowing, planting and cultivating of crops, application of pesticide and herbicides, irrigation and harvest and delivery of nursery stock, orchard products and row crops. Harvesting of nursery stock occurs primarily in the months of November through February and row crops are harvested primarily in the fall, with intermittent harvests through the summer depending on the vegetable crop.

In Metro's October 10, 2000 submission to the Board, the farmers on surrounding lands did not indicate that they felt that the park improvement would cause a significant change or increase in the cost of their farming practices. Metro's impacts analysis included in its December 19, 2000 submission demonstrates that although the park improvements will have some impacts on surrounding farm practices, none of the impacts will force a significant change in farm practices or significantly increase the cost of accepted farm practices on surrounding lands. The Board agrees.

Three potential impacts were identified: (1) potential pesticide drift to park users, (2) management of pastures and orchards in the park for noxious weeds and pests, and (3) traffic impacts affecting the movement of farm machinery and delivery of harvests to market.

The application of pesticides on surrounding farms is accomplished through boom spraying and air blasting. No aerial spraying is currently employed. Even if aerial spraying occurs in the future, the facts presented by Metro demonstrate that spraying would occur at least 600 feet from all park use areas. Evidence from the OSU Extension Service shows that there is no detectable pesticide drift beyond 300 feet from the point of application. Based on this information, the Board finds that no change in pesticide application practices will be required to accommodate the proposed park uses.

Metro has already undertaken an aggressive program to combat noxious weeds on lands adjacent to the park. That program and a recommended condition are discussed below. Metro staff have met with nearby farmers on several occasions to determine whether existing farm practices at the park have impacts on surrounding farms. Metro has responded to concerns from surrounding farmers on the issue of noxious weeds. As part of this application, Metro has already initiated a program to control areas of ragwort tansy and other weeds through herbicide applications. Metro has submitted a farm management plan with help from Mr. Chip Bubl of the Oregon State University Extension Service which includes procedures for ongoing management of the pastures. The Board finds that the management plan adequately addresses weed control on Metro property and will adequately mitigate any impacts on surrounding lands.

The traffic impact analysis in Metro's application prepared by Kittelson & Associates shows that traffic attributable to the proposed park improvements will represent only .8% of the traffic on Sauvie Island. The Board accepts this evidence and concludes that, the number of addition vehicles on Sauvie Island Road will not disrupt the movement of farm machinery or delivery of harvested crops to market. Metro's October 10, 2000 submission to the Board explains that during interviews with surrounding farmers, those farmers did not consider ordinary use of the park to represent a significant impact or cause an increase in the costs of their farm practices.

Special events like the Wintering-In Festival, which draws up to 4,500 visitors over two days was raised by farmers as a potential impact. Of primary concern to the surrounding farmers is traffic congestion during harvest time. The peak harvest time for the majority of crops in the area is August 15-October 31st of each year.

Metro's application includes a Traffic Management Plan (TMP) that will be implemented for special events. Amendments to the TMP included in Metro's December 19, 2000 submission provides additional oversight by the Multnomah County Sheriffs Office, event signing, parking lot operations and event plan reviews by the county's Transportation Department. The TMP will be implemented for any event where 300 or more participants per day are anticipated at the park. In addition, Metro has agreed, and the Board has applied a condition that special events that attract over 300 visitors per day will be limited to 3 per year including the Wintering-In festival. The two events other than the Wintering-In festival will be limited to 1,000 participants total, and those events will be held prior to August 15th of each year to avoid peak harvest times on the island. Metro has agreed and the Board has imposed a condition that Metro provide notice to surrounding farmers at least three weeks prior to special events to enable farmers to plan for alternative routes if they so desire. The Board finds that the identified traffic impacts will not force a significant change in farming practices and will not significantly increase the cost of farming on surrounding lands.

The Board finds that based on the evidence in the record, Metro has met its burden to demonstrate that the park improvements are consistent with the EFU zone and will not cause significant changes in farm practices or significantly increase the costs of those practices. No other evidence on farm impacts was provided to either the Hearings Officer or the Board. The Board concludes that the identified impacts on surrounding farmers are not significant, nor do they significantly increase the cost of farming. To the extent that lesser impacts exist, those will be mitigated with the implementation of the TMP and conditions that the Board has imposed.

**15.F. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(4), Will not require public services other than those existing
or programmed for the area.**

These findings replace the Hearings Officer's findings for MCC 11.15.7120(A)(4). The May 10, 2000 staff report found that public services in the area include sheriff and fire protection, electricity, schools and roads. Water is pumped from existing onsite wells and sewer needs are handled by a septic system. The park is already served by electricity from an existing power source near the park. The park will not generate students that increases demands on nearby schools. As indicated in finding 12 above, the park expansion will not require road improvements to Sauvie Island Road. Multnomah County Sheriff's Department has indicated that the park improvements will not require additional sheriffs service.

Initially, the Fire District indicated that it could provide fire suppression service to the park. In a letter submitted during the appeal of the Hearings Officers decision, the Fire District suggested that it could not provide emergency medical service to the park due to the anticipated increased usage. At the Board's October 26, 2000 appeal hearing, Metro provided evidence that indicates that emergency medical services have been requested at a nearly nonexistent level at Howell

Territorial Park over the last 10 years. Metro also contracts for onsite medical emergency services for its Wintering -In festival. At that hearing, the Board requested that Metro contact representatives of the Fire District and make this information available to them.

In its December 19, 2000 submission to the Board, Metro provides copies of two letters to Don Posvar, Fire Chief of the Sauvie Island Fire Department. A November 15, 2000 Metro letter provides a summary of issues discussed with Mr. Posvar at a November 14, 2000 Safety Action Committee on Sauvie Island. At that meeting Metro provided data that shows that two of Metro's other parks have annual attendance of 300,000 and 200,000 visitors respectively. This is 10 to 15 times the anticipated use at Howell Territorial Park. Even at these high use levels, the other parks have only generated a few emergency calls per year. Based on this information, it appears that Mr. Posvar indicated that such a low level of service need could be accommodated by the Fire District. In the same letter, Metro requests a letter from the Fire Department reflecting Mr. Posvar's statements at the Safety Action Committee. In a December, 13, 2000 letter from Lora Price to Mr. Posvar, Metro again requests a letter from the Fire District. In a December 21, 2000 letter, the Fire District provided a response indicating its opinion that medical service could not be provided.

Based on the information Metro provided to the Fire District, the Board finds that it is unlikely that any measurable increase in emergency medical service will be required to support the improvements to the park. Certainly no new fire service will be needed other than the fire service already programmed for the area. The Board finds that the only evidence in the record indicates that the park improvements will generate one or two calls to the Fire District per year. At that extremely low anticipated use, the Board concludes that Metro's application complies with MCC 11.15.7120(A)(4).

**15.H. Compliance With MCC 11.15.7120, Conditional Use Approval Criteria:
MCC .7120(A)(6), Will not create hazardous conditions.**

These findings replace the Hearings Officer's findings on compliance with MCC 11.15.7120(A)(6). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.7120(A)(6) are incorporated here by this reference. Those findings demonstrate that with the implementation of the TMP, no hazardous conditions will result from approval of Metro's application. The Board's findings of compliance for MCC 11.15.2026 demonstrate that the intersection of Sauvie Island Road and Howell Park Road will remain safe and functional after the park improvements are constructed. Those findings are incorporated here by this reference. The Board finds that MCC 11.15.7120(A)(6) is satisfied.

**18.P. Compliance With MCC 11.15.6100, Off-Street Parking and Loading Requirements:
MCC .6142(F), Minimum Required Off-Street Parking Spaces, Unspecified Uses,
Any use not specifically listed above shall have the requirements of the listed use or
uses deemed most nearly equivalent by the Planning Director.**

These findings replace the Hearings Officer's findings of compliance with MCC 11.15.6142(F). The findings and evidence in the May 10, 2000 staff report on MCC 11.15.6142(F) are incorporated here by this reference. The Hearings Officer identified a discrepancy between the

anticipated number of overflow parking spaces identified in the application versus the number identified in the master plan. The Board finds that no discrepancy exists. The Board interprets the application to refine the master plan. The application, Figure G.1 shows approximate overflow parking spaces of 147 for the north turf field and 353 for the south turf field for a total of about 500 overflow spaces. Since these areas are fields, the actual number of vehicles that can be accommodated may vary depending on how the vehicles are parked. The Board finds that the application provides evidence that at least 500 overflow spaces are available which is sufficient to satisfy MCC 11.15.6142(F).

20.A. Compliance With Applicable Comprehensive Plan Policies: Policy 13: Air, Water and Noise Quality

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 13. The findings and evidence in the May 10, 2000 staff report on Policy 13 are incorporated here by this reference. The Hearings Officer identifies traffic impacts as an issue to which Policy 13 applies. The Board finds the Hearings Officer's findings on Policy 13 to be unrelated to the issues identified in Policy 13. Furthermore, the Board has found that Metro's traffic impact analysis adequately describes the anticipated traffic impacts on Sauvie Island Road. The Board's findings of compliance with MCC 11.15.2026 are incorporated here by this reference. The Board finds that Policy 13 is satisfied.

20.B. Compliance With Applicable Comprehensive Plan Policies: Policy 14: Developmental Limitations

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 14. The findings and evidence in the May 10, 2000 staff report on Policy 14 are incorporated here by this reference. The Board finds that none of the development limitations identified in Policy 14 are present in the area proposed for improvement. No development is proposed on the turf fields that will serve overflow parking. To the extent those fields are used, their use will be limited to short periods during the summer months which will not pose a danger to fragile soils or the water table in the area. The Board finds that Policy 14 is satisfied.

20.D. Compliance With Applicable Comprehensive Plan Policies: Policy 31: Community Facilities and Uses

These findings replace the Hearings Officers findings on compliance with Comprehensive Plan Policy 31. The findings and evidence in the May 10, 2000 staff report on Policy 31 are incorporated here by this reference. The October 18, 2000 analysis from Kittelson & Associates demonstrates that during normal peak park operations, the road capacities, traffic counts, speed limits and turning points at the intersection of Sauvie Island Road and Howell Park Road will not cause safety problems on the roadway. During special events, the TMP as amended will be implemented which will insure that Policy 31 is met. The Board incorporates the findings for MCC 11.15.2026 here by this reference. Policy 31 is satisfied.

TOKOS Derrick I

From: In The Works [intheworks@jps.net]
Sent: Wednesday, January 03, 2001 10:10 PM
To: mult.chair@co.multnomah.or.us; serena.m.cruz@co.multnomah.or.us;
diane.m.linn@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us;
lonnie.j.roberts@co.multnomah.or.us; BOGSTAD Deborah L
Cc: derrick.i.tokos@co.multnomah.or.us
Subject: Bybee Howell Territorial Park CU-0-2

Commissioners: After the October 26 Hearing, as we prepared to work with Metro and the County to come together with ideas which would be acceptable to the residents and all concerned, I asked if we could ask questions of the Board of Commissioners and was told that we should not bring the subject to any of you because the subject would be off limits until the date of the hearing - Jan. 4, 2001.

I have just been advised that information has been received by the board from Metro and therefore I am forwarding to you the proposals we -the committee of Sauvie Island residents- compiled and sent to both Metro and the County early in December after our meeting with Metro representatives. Our only response from Metro has been that they received the document. Therefore, I feel we have not met our goal - which, as I understood it, was to work together and come up with solutions. Instead, we have discussed at length, our concerns, printed it clearly and heard nothing in return.

I will be present to speak at the meeting Jan 4 at 11 AM and hope to be in compliance with the expectations you may have.

Lora Creswick

Sauvie Island Resident,
Sauvie Island Boosters,
Sauvie Island Grange Member

December 13, 2000- Updated: January 2, 2001

To: Metro Parks and Greenspaces, Multnomah Co.
Planning Staff and County Commissioners

From: Sauvie Island Boosters, Residents, Grange and
other interested persons

Regarding Howell Territorial Park
Construction projects proposed by Metro Parks file CU 0-2

Less is More: The fragile infrastructure of Sauvie Island with the narrow road and old bridge cannot afford to invite more visitors. The very heart of what makes this park unique would soon be gone if we allow Metro to carry out this construction project as proposed.

We clearly must protect the historic integrity of the house and grounds for future generations to see what an old homestead in Oregon was like.

IMPACT of Metro's proposed plan:

The pillar of Oregon Land Use Law is to preserve farm use and the intent is clearly to stop EFU lands from becoming tourist attractions!

A. Conflicts with EFU zones in accepted farming practices and increasing costs to neighboring properties (One example: applications of herbicides and pesticides on adjoining farmlands would conflict with park usage and add financial burden to farmers). We have not seen a farm plan for the acreage.

Review State Planning Goals three (Agricultural Lands) and five (Open Spaces, Scenic and Historic Areas, and Natural Resources).

B. The Engineering studies are very convincing in requiring a right turn lane to accommodate the proposed added traffic per year at the Howell park road off Sauvie Island Rd.; however, it would be extremely unusual for the Dike authority (Sauvie Island Drainage District and Corps of Engineers) to risk the structural integrity of the dike by approving such a plan. Depending totally on the Transportation people to come up with a traffic management plan for each event is a non-answer to the traffic question. We need assurances before this permit is accepted and are not interested in the "wait and see" attitude after the fact. Therefore, it makes more

sense to ask that no more visitors per year be invited to the park to assure the roads and our elderly bridge will not be further impacted.

C. Sauvie Island Volunteer Fire Department is dispatched at each 911 call whether it is a fire, health emergency or traffic accident. Adding thousands more people to the Island each year will obviously add more calls to 911. The volunteers fight fires once in a while, but most often are dealing with pulling duck hunters out of the mud, helping people in traffic accidents, bike accidents, and health problems. Having an emergency truck at the Park will not stop all those types of calls associated with visitors.

We want to continue to invite "visitors" who seek this park because of the historic nature - we do not need "users" who are simply looking for a place to party. The metropolitan area has many wonderful parks for picnics and parties. Also, this is currently the only public place a person can drive, park their car and have a picnic for *free* on the Island.

Proposed Solutions from the Sauvie Island Committee:

1. Parking: The fields should remain as fields and used as overflow parking for the Wintering In and smaller events of up to 300 people, such as weddings. The proposed hard surface parking area detracts from the view of the house, is unsightly from Sauvie Island road and not necessary as we do not want to invite more people to the site than currently visit each year.

2. Traffic: The numbers of vehicles visiting the Island increases yearly, while the roads and bridge just get older and are not scheduled for significant maintenance anytime soon. We must react to stop the increases at every opportunity. The heavier the traffic, the more opportunity for 911 response calls (dealing with fires, health issues, vehicle accidents, car break ins), difficulty for farm traffic, congestion for those who live and work here. (We will be working with other agencies to limit traffic to the beaches during the summer, but that is another subject.)

3. Trails: The proposed trails would dramatically alter the wildlife habitat that exists today and should not be as extensive as illustrated in the proposal. What good is a path to see the birds if we run the birds out of their homes? Viewing blinds don't fool shy species of wildlife. **A few walkways near the house and barn to allow a wheelchair access would be acceptable.**

4. Barn and House: Both need repairs; Remodeling the existing barn to create larger restrooms would be very favorable as it is imperative that restrooms be made available at that location for year round accessibility. The security of the antiques, etc. must be maintained, therefore, a separate entrance is important.

Continuing to feature the antique equipment and other implements used in the late 1800's would be extremely helpful in educating those visitors who are interested in local history.

Metro representatives made a suggestion at one of the meetings with Sauvie Island residents that they hope to turn an unused area of the barn into a classroom for future visits from school children. This we applaud.

House: The house needs a great deal of maintenance- A certified inspection must be done to determine the work and methods of repair to be accomplished; we agree with Metro's proposal that a kitchen be brought back to replicate the time of the wood-burning cookstove. It could be made available for a small class to observe how food was preserved, daily meals prepared. The pitcher pump would be located in the sink or just outside the door - Oregon Historical Society has photos of such which should be consulted for design authenticity.

5. An additional restroom building is not necessary. New restrooms should be located inside the existing barn structure with an exterior entry. Restrooms need to be available more hours to accommodate bird watchers, bicyclists and others during the year.

6. We are very uncomfortable with Covered Picnic Shelters: The plan from Metro includes two structures for 60 and one for 120 people ! In the early days families laid out a blanket under the trees for a picnic- if there was a light rain, or a very hot day, they would move into a grove of trees. To enjoy this historical site appropriately, one should expect to sit on the ground or at one of the existing picnic tables. (Temporary fabric canopies would be acceptable) We feel we must stress how important it is to not create more structures to this site.

7. Viewing area: Viewing should be restricted to that space near the existing structures so as not to disrupt the ground by leaving the scents of humans and compact the soil with too much foot traffic.

8. Cows: It is important that cows graze in the back field. Visitors should expect to see them there and the animals are part of the balance. Perhaps chickens, ducks and guinea hens could be added.

9. Interpretive panels: It is very important to have information for the self-guided tours, however, this can be carried out in a number of ways other than large plastic panels placed throughout the grounds. We suggest the panels replace those on the swinging post that is now located on the back porch of the house. They should also be published in the form of brochures. The Significant Environment Concern criteria states in MCC.6408 c (paraphrase: guidelines regarding ways to attain visual subordination include) "Use of nonreflective or low reflective materials and dark natural or earthtone colors."

Note: The Significant Environmental Concern (SEC) has identified the following areas as public areas that provide important views of a significant scenic resource (and include both sites and linear corridors):

Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

"Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings."

10. Lighting: Also from MCC.6408 "No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials."

Since the hours of operation of the park require closing at sundown, there are no reasons for exterior lighting. This too would preserve the visual integrity of the landscape.

11. Farm Plan: The importance of a Farm Plan cannot be stressed enough! This is the blueprint for farm maintenance and management.

Local farmers are required to have a plan, why should Metro be different? Noxious weeds have been a continual problem on the property as well as insect infestations, which would be controlled if one followed an *approved* plan. We have asked for and not received a Farm Plan.

12. Representation: The residents on Sauvie Island do not have representation on the Metro board and are not able to vote for that body, therefore, we propose a Board of Island residents be established to oversee the activities and decisions affecting public areas on the island owned and operated by Metro Park and Greenspaces Department. This Board would be a recognized body who would have equal representation in all ways to those seated on the METRO council.

This would be a board with authority to discuss and create policy for the operations of properties on the Island, along with, but not limited to, hours of operation, events of interest, schedules of events, permits for alcohol, color of paint, etc. This would help establish trust which is severely lacking between the community and METRO.

An example of our lack of trust for METRO: Our boat ramp was recently rebuilt without input from our community. We now have a NEW boat ramp that only allows one boat at a time to enter and exit instead of two with the old ramp. If the fire truck -with the station a short distance from the ramp- needs to fill up with water and one of you are trying to enter or exit the waterway, you will be hindering the safety of someone who needs the water!

13. Ballot measure 7: What will happen to the property values of those parcels of land adjoining the Howell Park and who is responsible?
We are happy Metro has money to spend here- let's use it responsibly.

We neighbors of the Park strive to be environmentally savvy people everyday, not simply when politically convenient. Our motive is to keep the park clean, existing structures safe and to be good stewards of the land and most of all, good neighbors.