

# Case CU 0-2 - Application Timeline and Exhibit List

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## 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**
- Public 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**
- Public Hearing before the Board of County Commissioners as rescheduled per the applicant's request: January 30, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from January 30, 2001 to September 18, 2001**
- Public Hearing before the County Commissioners continued from January 30, 2001 per the applicant's request: September 18, 2001 (**Day 115 of timeline**)
- **150 Day timeline tolled by applicant from September 18, 2001 to January 15, 2002**
- Public Hearing before the County Commissioners as rescheduled per the applicant's request: January 15, 2002 (**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 <sup>2</sup> 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>
J1	55	Hearings Officer Decision, with cover, mailed July 7, 2000

## Documents Submitted For October 26, 2000 Board Of County Commissioners Hearing:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
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

K4	61	Before the Board of County Commissioners be Rescheduled to September 14, 2000 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
K27	1	Applicant's Affidavit of Posting for the October 16, 2000 Hearing

**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
L18	60	Agenda Placement Form for October 26, 2000 Board of County Commissioners Hearing, with attached Hearings Officer Decision and Notice of Review
L19	3	Agenda Placement Form for January 30, 2001 Board of County Commissioners Hearing, with cover and table of contents for the board packet

**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
M12	3	Confirmation of Newspaper Notice of January 30, 2001 Hearing
M13	2	Letter from Chet Orloff, dated January 24, 2001
M14	18	Metro Testimony for January 30, 2001 Hearing, with attachments
M15	3	Fax copy of a letter from Kathy Nelson, dated January 25, 2001
M16	2	Letter from Don Anderson, Grange Master with Sauvie Island Grange #840, dated January 25, 2001
M17	28	January 26, 2001 testimony from Julie Cleveland, with cover letter and attachments
M18	5	January 26, 2001 letter from Robert Wiley with attached photographs
M19	1	Letter from Mike Houck, Urban Naturalist with the Audubon Society of Portland, dated January 28, 2001
M20	19	E-mail messages from citizens, forwarded from the Board of County Commissioners Office, dated January 23, 2001 through January 30, 2001
M21	14	Speaker sign up cards for January 30, 2001 Hearing
M22	4	Undated letter titled "Howell Park Transportation Issues," with attachments
M23	9	Hearing memorandum for the Sauvie Island Boosters, prepared by Daniel Kearns, Attorney, dated January 30, 2001
M24	5	Letter prepared by William Kabeiseman, on behalf of the Sauvie Island Drainage District, dated January 30, 2001
M25	2	Letter from Cameron Tyler, not dated

**Documents Received Prior to the September 18, 2001 Board Of County Commissioners Hearing:**

<u>Label</u>	<u>Pages</u>	<u>Description</u>
N1	1	Letter to Lora Price, with Metro from Dennis Grande, Robert Wiley, and Shirley Wilson, dated February 5, 2001
N2	2	Letter prepared by Daniel Kearns, Attorney, on behalf of the Sauvie Island Boosters, dated January 30, 2001
N3	2	Fax copy of a letter from Charles Ciecko, with Metro, dated August 17, 2001
N4	1	Letter from Charles Ciecko, dated August 23, 2001
N5	1	E-mail from Lora Price, with Metro, dated August 28, 2001
N6	5	E-mail from Board of County Commissioners staff, dated August 28, 2001
N7	2	Fax copy of a letter from Lora Price, with Metro, dated August 29, 2001
N8	3	E-mail messages from Board of county Commissioners staff, dated August 29, 2001
N9	1	E-mail from Kathy Busse, County Land Use Planning, to Charles Ciecko, Metro, dated August 29, 2001
N10	1	E-mail message from Deborah Bogstad, Board Clerk, dated August 30, 2001
N11	2	Public notice of rescheduled Hearing, mailed August 31, 2001
N12	2	Mailing labels for August 31, 2001 mail notice of rescheduled hearing

**Documents Received Prior to the January 15, 2002 Board Of County Commissioners Hearing:**

<u>Label</u>	<u>Pages</u>	<u>Description</u>
P1	4	E-mails from Julie Cleveland, dated September 13, 2001 and September 14, 2001

P2	2	E-mail from Derrick Tokos, County Land Use Planning, dated September 25, 2001
P3	1	E-mail from Lora Price, Metro, dated September 27, 2001
P4	1	E-mail from Derrick Tokos, County Land Use Planning, dated September 27, 2001
P5	2	E-mail from Board of County Commissioners staff, dated September 27, 2001
P6	2	E-mail from Derrick Tokos, County Land Use Planning, dated October 9, 2001
P7	4	October 3, 2001 letter from Charles Ciecko, Metro, with attachments
P8	3	October 25, 2001 letter from Lora Price, Metro to Dale Blanton, State Department of Land Conservation and Development, dated October 25, 2001
P9	3	Letter prepared by Lynnnda Steenslid, Secretary for Sauvie Island Grange #840, dated October 30, 2001
P10	5	Letter received November 27, 2001 from Richard Ford, Ford Farms, LLC, with attachments
P11	1	E-mail from Susan Muir, County Land Use Planning, dated November 21, 2001
P12	26	List of prospective mediators, submitted by Lora Price, with cover, on November 28, 2001
P13	1	E-mail from Lora Price, Metro, dated December 3, 2001
P14	2	Fax copy of letter from Lora Price, Metro, dated December 18, 2001
P15	1	E-mail from Board of County Commissioners staff, dated December 21, 2001
P16	1	Letter from Derrick Tokos, County Land Use Planning, dated December 26, 2001
P17	1	E-mail from Gertrude Thompson, Secretary, Redland Grange #796
P18	2	Staff seven points summary for the January 15, 2002 hearing
P19	3	List of Proposed Park Improvements taken from Finding #5 of the Hearings Officer Decision, with maps

**Documents Received Immediately in Advance of or at the January 15, 2002 Board Of County Commissioners Hearing or after the Hearing Within the Open Record Period that Expired January 29, 2002:**

<u>Label</u>	<u>Pages</u>	<u>Description</u>
Q1	1	E-mail from J. Richard Forester, dated January 7, 2002
Q2	1	Letter from the Columbia Grange, received January 11, 2002
Q3	2	January 9, 2002 letter from Mike Houck, on behalf of the Audubon Society, with e-mail cover
Q4	3	Letter from the Sauvie Island Grange, received January 11, 2002
Q5	3	January 10, 2002 fax from Metro, with attached November 11, 2001 letter from Chip Bubl, Oregon State Extension Agent
Q6	3	January 11, 2002 fax from Richard Benner, Metro, with attachment
Q7	9	E-mails between Julie Cleaveland and Land Use Planning staff, dated December 31, 2001 through January 10, 2002
Q8	2	E-mail containing correspondence from Lora Creswick, dated January 10, 2002
Q9	3	Faxed letter from David Hunnicutt, on behalf of Oregonians in Action, dated January 15, 2002, with cover
Q10	22	Metro Supplemental Findings presented at the January 15, 2002 Hearing, with attachments
Q11	2	January 9, 2002 letter from Cameron Vaughan-Tyler
Q12	9	Speaker sign up cards for January 15, 2002 Hearing
Q13	7	E-mail from Julie Cleaveland, dated January 17, 2002
Q14	1	Letter from Clair and Beverly Klock, dated January 19, 2002
Q15	1	Fax from Rick Ford, received January 19, 2002
Q16	2	January 23, 2002 letter from Charles Ciecko, Metro

Q17	2	E-mail containing correspondence from Sheilah Toomey, dated January 25, 2002
Q18	5	Letter from Donna Matrazzo, dated January 25, 2002, with attachments
Q19	13	January 28, 2002 letter from Julie Cleaveland, with attachments
Q20	2	E-mail from Julie Cleaveland dated January 28, 2002
Q21	9	January 28, 2002 letter from Julie Cleaveland, responding to Metro's January 23, 2002 letter, along with additional testimony and attachments
Q22	3	Fax from Julie Cleaveland, received January 28, 2002
Q23	1	Fax letter from Ric Catron, received January 28, 2002
Q24	1	Letter from Caroline Skinner, received January 29, 2002
Q25	1	Letter from Wendy Clark, received January 29, 2002
Q26	1	Letter from Patricia Denny, received January 29, 2002
Q27	1	Letter from Rose Thrush-Pederson, received January 29, 2002
Q28	1	Fax from Bailey Nurseries, received January 29, 2002
Q29	1	Fax letter from Jay Hamlin, received January 29, 2002
Q30	1	Letter from Kathleen Baldwin and William Tomlinson, received January 29, 2002
Q31	1	Letter from Adrienne Keith, received January 29, 2002
Q32	1	Letter from J. Boyd, received January 29, 2002
Q33	1	Letter from Jean Adams, received January 29, 2002
Q34	1	Letter from Andee Carlstrom, received January 29, 2002
Q35	1	Letter from Mark Valeske, received January 29, 2002
Q36	1	Letter from Ed Larch, received January 29, 2002
Q37	1	Letter from Carol Sherman-Rogers, received January 29, 2002
Q38	1	Letter from A.J. Colasurdo, received January 29, 2002
Q39	1	Fax letter from Lora Creswick, received January 29, 2002
Q40	16	January 29, 2002 testimony from Daniel Kearns, Attorney, on behalf of the Sauvie Island Boosters, with attachments
Q41	4	Fax letter from Kathy Andersen, 1000 Friends of Oregon, received January 29, 2002

**BRIDGES Laura M**

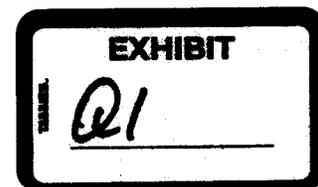
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**From:** J. Richard Forester  
**Sent:** Monday, January 07, 2002 1:57 PM  
**To:** laura.m.bridges@co.multnomah.or.us  
**Subject:** Howell Park Mediation

This will confirm our conversation to let you know that Sauvie Island residents, including several adjacent property owners have agreed to mediate this dispute. They selected me as a mediator and it was agreed at my interview to give me 60 days to work this out. The DLCD contract with Metro calls for a mediation assessment first, which is what I started to do last week. Apparently the County has declined to continue the hearing, although this does not seem like an emergency case, so I placed a call to you as a follow up of my e-mail to Diane Linn of last week to find out whether the County is inclined to support mediation or whether it is determined to reach a decision on the 15th of January. Notwithstanding, I am exploring how close to an agreement we can come by the 15th, so please be advised that a mediation effort is under way.

*J. Richard Forester*  
Dispute Resolution Services  
813 SW Alder Street  
Suite 310  
Portland, OR 97205  
(503) 497-1010/Fax 721-0623  
[www.forestermediation.com](http://www.forestermediation.com)

1/7/2002



# Columbia Grange

P.O. Box 299  
Corbett, OR 97019

Lonnie Roberts  
501 Hawthorn Street  
Portland, Oregon

Dear Commissioner Roberts

The Howell Territorial Park is an opportunity to visit the past with an original homestead, a vintage apple orchard and a natural wetlands. The park on Sauvies Island is zoned for Exclusive Farm Use only.

Zoning regulations are to protect land use and should not be compromised for Metro's use.

We of Corbett face land use problems almost daily. Why may Metro change zoning to develop a park in EFU areas. Basic zoning laws should apply equally to all.

We of Columbia Grange of Corbett urge you to again deny Metro's proposed park development.

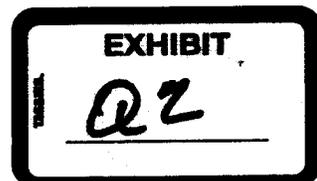
*Albert R. Kesibly*  
Master

*Barbara Sullivan*  
Secretary

NOTICE OF FILING  
ALNO 11-11-11

NOV 11 11 3:52

DEPT OF



## TOKOS Derrick I

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**From:** ROMERO Shelli D  
**Sent:** Thursday, January 10, 2002 11:27 AM  
**To:** TOKOS Derrick I; MUIR Susan L; BUSSE Kathy A  
**Subject:** FW: Audubon Letter of Support, Metro Conidltional Use Permit, Bybee Howell



19 2002 Audubon support      ATT173385.txt  
lette...

Derrick: Susan and Kathy: I received this letter of support today, fyi. I did not read it yet, because I wanted to ensure, is it exparte? I don't think it is, but just in case...Please let me know, thanks, Shelli

Shelli Romero  
Office of Commissioner Maria Rojo de Steffey  
Multnomah County - District 1  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214  
(503) 988-4435 phone  
(503) 988-5440 fax  
Shelli.D.Romero@co.multnomah.or.us  
Se habla espanol

-----Original Message-----

From: MARTIN Lyne R  
Sent: Thursday, January 10, 2002 10:57 AM  
To: ROJO DE STEFFEY Maria; ROMERO Shelli D; MARTINEZ David  
Subject: FW: Audubon Letter of Support, Metro Conidltional Use Permit, Bybee Howell

fyi

R. Lyne Martin  
Administrative Assistant  
Department of Support Services/District 1  
501 SE Hawthorne Suite 600  
Portland OR 97293-0700  
503 988-5220 - 503 988-5440 fax  
lyne.r.martin@co.multnomah.or.us

-----Original Message-----

From: Mike Houck [mailto:houckm@teleport.com]  
Sent: Wednesday, January 09, 2002 5:51 PM  
To: diane.m.linn@co.multnomah.or.us; cruz@teleport.com; Serena.M.Cruz@co.multnomah.or.us; district1@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us; lonnie.j.roberts@co.multnomah.or.us  
Cc: cieckoc@metro.dst.or.us; hosticka@darkwing.uoregon.edu  
Subject: Audubon Letter of Support, Metro Conidltional Use Permit, Bybee Howell

Attached is a letter of support from the Audubon Letter of Support, Metro Conditional Use Permit, Bybee Howell



January 9, 2002

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne, Suite 600  
Portland OR 97214

Chair Linn and Commissioners,

Dear Commissioners:

I am writing on behalf of the Audubon Society of Portland and its 10,000 members regarding your upcoming hearing on Sauvie Island regarding Metro's Conditional Use application for Howell Territorial Park. I attended a hearing over a year ago to support Metro's proposed management plan for Howell Park but the hearing was cancelled after brief testimony from Metro staff.

Today, I'm writing to urge your support of Metro's request for a Conditional Use Application for what we consider to be much-needed and modest improvements to Howell Territorial Park.

In our opinion Howell Territorial Park needs additional facilities for public use. We believe the proposed improvements are minimal in nature and in keeping with Metro's responsibility to manage natural resources at the site in a responsible manner. We have long supported a central location for educating the general public regarding the resources of Sauvie Island, and for Bybee Howell to be that site. Without the proposed improvements visitors will continue to come to the island without information regarding where the resources exist to meet their needs and interests.

We hope that Howell Territorial Park can serve to welcome and educate visitors and residents regarding natural resources and history of Sauvie Island. We also hope to partner with Metro Regional Parks and Greenspaces and Oregon Historical Society to utilize the site for our natural history educational programs and field trips. There is currently no location that provides us with such a resource. We hope you will support Metro's proposal to develop a facility that will meet these needs.

Respectfully,

Mike Houck,  
Urban Naturalist



# Sauvie Island Grange

Number 840

Date: October 30, 2001  
From: Sauvie Island Grange #840  
Master Ron Bramlett  
Subject: Government Without Representation

To: Multnomah Grange #71  
Columbia Grange # 267  
Gresham Grange # 270  
Rockwood Grange # 323  
Pleasant Valley Grange # 348  
Russelville Grange # 353  
Skyline Grange # 894  
St Johns Community # 950  
Oregon State Grange

CLERK OF COUNTY  
JUL 11 11 52 AM '02

Dear Brothers and Sisters:

The Sauvie Island Grange has been in opposition to the development of a small Multnomah County park on the Island that was given to Metro to manage. Metro has proposed a development plan that has been denied twice by the County Commissioners. Attached is our position paper regarding our objections to the development of the property.

Our problem is compounded by the fact that we do not have representation on the Metro council. We have kept our County Commissioners well informed of our opinions regarding this issue. We are asking for your help in talking with your Metro councilor about our plight. Metro has developed this plan without concerns for the long-term outlook of Island. They want to overlay a city park development plan in a rural, farm community. Nonsense. We do not object to park development, just this particular development plan. The property is zoned EFU and with that comes specific development guidelines. Metro's plan does nothing to preserve or protect the historical integrity of the homestead park.

Please contact your Metro Councilor and County Commissioner to support our position. We all know the benefits of Grange on a daily basis. We would now like to call in the political chips to help us speak where we have no voice. Thank you in advance for your contacts to your Councilor and County Commissioner. The hearing isn't scheduled until January 2002, but we go to mediation prior to that date. Thank you again, your support is appreciated.





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# *Sauvie Island Grange*

Number 840

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Howell Territorial Park Development  
Position Paper  
October 30, 2001

The membership of the Sauvie Island Grange #840 opposes Metro's proposed development of the Howell Territorial Park for the following reasons:

- The park is zoned for Exclusive Farm Use only. This classification precludes any development as proposed by Metro. Many Sauvie Island residents are prevented from developing their lands because of EFU zone classifications. Metro should be held to the same zoning regulations as residents. This is a farming community. Zoning regulations protect this type of land use and should not be compromised by an institution looking for a way to generate revenue.
- The Island is accessed by a two lane bridge. A bridge that Multnomah County has under study for structural integrity. During peak seasons, the Island is host to thousands of visitors per day. We do not need to further burden our infrastructure with event oriented development.
- Emergency services are provided by an all-volunteer fire and rescue department. The purpose of this organization is to provide protection to Island residents in need of emergency services. Responses to emergencies generated by visitors have increased proportionally with increased visitations. The burden of providing coverage to event oriented development increases the liability for our volunteer department.

The uniqueness of Sauvie Island may only be appreciated by the residents. There is a civic responsibility to maintain the land to accommodate both farming and recreational visitors. Our farmers are already under extreme competitive pressures to maintain their livelihood. Tipping the balance of the Island commerce to recreation will only compound our farmers' problems.

The Howell Territorial Park is loved by area residents and visitors because of its lack of development. It is an opportunity to visit the past in a manner that is not easily available in any museum or park. A tour of our Island is a step back in time. For now we have the only working dairy in Multnomah County, working farms for both livestock and produce and a 12,000-acre wildlife refuge. And we have a little park that gives us a glimpse of the past. An original homestead, a vintage apple orchard and a natural wetland that begs to be preserved for future generations. The future is uncertain for our farmers on the Island, but the County Commissioners can preserve the past today by once again denying Metro's proposed park development.

Howell Territorial Park Development  
Position Paper  
Page 2

We support the non-commercial development of the park as allowed by EFU guidelines. We support a plan that preserves the historical nature of the park. We do not support a move that would allow Metro to circumvent the basic zoning laws that should apply equally to all. We strongly urge the County Commissioners to once again deny Metro's request for the proposed development of the Howell Territorial Park.



Office of General Counsel  
600 NE Grand Avenue  
Portland, OR 97232-2736

**Date:** January 10, 2002

**From:** Richard P. Benner  
Senior Assistant Counsel  
Metro Office of General Counsel

**Telephone:** 503/797-1532  
**Facsimile:** 503/797-1792

**To:** Derrick Tokos

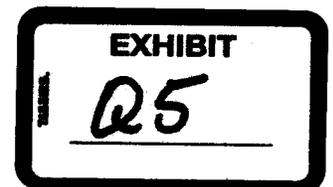
**Telephone:**  
**Facsimile:** 503/988-3389

**No of pages including cover sheet:** 3

**Document Attached:** 11/13/01 letter from Chip Bubl to Dale Vasnik re Howell Territorial Park.

**Message:**

*This communication consists of attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.*



OSU Columbia County Extension  
305 N. Columbia River Highway  
St. Helens, Oregon 97051



OREGON STATE  
UNIVERSITY  
EXTENSION SERVICE  
COLUMBIA COUNTY

Chip Bubl  
Phone: 503-397-3462  
Fax: 502-397-3467  
chip.bubl@orst.edu

November 13, 2001

Dale Vasnik  
Regional Park Supervisor  
METRO Regional Services  
600 Northeast Grand Avenue  
Portland, Or 97232

Dear Dale:

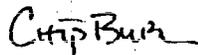
The following are my comments regarding the management of the Howell Regional Park agricultural grounds:

1. The general state of the pasture is much improved from my previous visit. The combination of herbicide applications and mowing have reduced the tansy ragwort population dramatically and significantly lowered the Canada thistle numbers. Blackberry mowing and spraying has been effective in opening up new ground for pasture growth.
2. The pasture grass stand is good, partly, I expect from a reduction in grazing recently. Over the long term, the farm can support judicious grazing and/or hay production (see specific recommendations below).
3. Recommendations:
  - a. Consider having the property hayed next May or June. This would eliminate much of the spring mowing and provide the same level of grass management for little or no cost. I think that the fields would make good quality hay with a projected 1.5 tons per acre. It could be either sold standing to the highest bidder or traded to someone willing to take the hay and possibly help out with a little farm work when needed.
  - b. Those areas that had the blackberries removed could be spot-sprayed with Roundup or a similar product and the quickly seeded back to perennial ryegrass. While it is late to seed, I think the ryegrass could still establish. If it didn't survive, you wouldn't be out much money.
  - c. Fertilizing the pastures is a more complex topic. When I last gave recommendations, it was based on trying to match the forage production to the demands of the cattle that were using the pastures. Now that the cattle are gone, fertilizer is less critical. Hay does remove some nutrients and it would be useful to periodically soil test and fertilize based on the test results. I don't feel there is any need to fertilize this coming spring.
  - d. If there is an interest in leasing the ground for cattle grazing, I would only lease the property from April through October. This allows the pasture some time to recover in the winter (assuming the Canada geese don't hit it too hard).

- e. The main weed problems left at this point are Canada thistle and Himalayan blackberries. C. thistle is tough to control since it is a spreading herbaceous perennial. Persistence with chemical treatments is the only answer. I expect after this year, there will be less reason to spray every spring/summer and that weed management will be on an as-needed basis. There is a product called Redeem that may be helpful in areas where you have a mixture of C. thistle and young blackberries. For thistle control, Curtail is probably the most useful, applied in mid-May if the weather cooperates. An application after hay-making in early August might be an alternative application time. Watch the label restrictions on making hay and follow all other label instructions when using any pesticide. Tansy seems largely under control except in a few areas that didn't get sprayed. As I noted when we walked the fields, the remaining tansy seemed to have healthy populations of the tansy flea beetle and many of those plants may be gone by next spring.

I hope these comments are helpful. Please feel free to call if you have any questions.

Sincerely,



Chip Bubl  
OSU Extension Agent  
Staff Chair & Agriculture



Office of General Counsel  
600 NE Grand Avenue  
Portland, OR 97232-2736

**Date:** January 11, 2002

**From:** Richard P. Benner  
Senior Assistant Counsel  
Metro Office of General Counsel

**Telephone:** 503/797-1532  
**Facsimile:** 503/797-1792

**To:** Derrick Toko

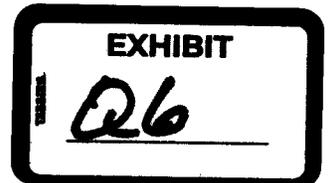
**Telephone:**  
**Facsimile:** 503/988-3389

**No of pages including cover sheet:** 3

**Document Attached:** January 9, 2002 Memo from Charlie Ciecko to Dan Kromer re Howell Territorial Park Farm Management Plan Update

**Message:**

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## M E T R O M E M O R A N D U M

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



## METRO

Date: January 9, 2002

To: Charlie Ciecko, Regional Parks and Greenspaces Director

From: Dan Kromer, Parks and Visitor Services Manager *DK*

Subject: Howell Territorial Park Farm Management Plan Update

CC: Heather Nelson Kent, Planning and Education Manager  
Dale Vasnik, Regional Parks Supervisor  
Lora Price, Associate Regional Planner ✓

This memo is to update you on what has transpired over the last year since the implementation of Howell Territorial Park's Farm Management Plan (copy attached). As the Plan states, the two main areas of focus are the pasture and the orchard. Our attention over the last year regarding these areas dealt with control of noxious weeds, perimeter fence line repair and replacement, pasture grazing, mowing and fertilizing, and orchard pruning.

In the early fall of 2000, we contracted with Integrated Vegetation and Insect Management, Inc. to spray pastures A and C of the Plan for tansy ragwort and Canadian thistle. We also had them spot spray areas with high infestations of blackberries. The total cost for this contract was \$2,550. We were then referred to the Columbia County Extension Service because of their expertise in farm pasture management and asked them to inspect the pasture late that fall. Mr. Chip Bubl, Extension Service Agent, walked the site with staff and made several recommendations including limiting herd size and fertilizing. These recommendations and other observations are in the first attached letter from Mr. Bubl dated December 18, 2000.

Last March we hired Stuntzner Engineering & Forestry, LLC to survey the northern property boundary line abutting property owned by Mr. Dennis Grande and Metro so that we could accurately replace the fence line in this location. The cost for the survey, which also included setting a NE corner monument and recording it, was \$3,962. After this survey was completed, we contracted with MQ Franco Reforestation to remove dense stands of vegetation (blackberries, shrubs, etc.) on the boundary in order to properly install the new fence. The cost for vegetation removal was \$1,920.

Following the survey and vegetation removal, Pacific Fence installed 2,176 feet of four strand barbed wire fencing with appropriate tee, pull and terminal posts. We also decided to install a 12 foot wide pipe gate that would allow access to pasture C from Mr. Grande's property for future access to large agricultural equipment in this area. Mr. Grande has approved Metro's use of a road leading from his property to this gate. Total cost for the fence and gate installation was \$8,806.

Integrated Vegetation and Insect Management, Inc. was hired in May, at a cost of \$2,156, to spray pastures A and C for tansy ragwort and Canadian thistle again along with fertilizing these areas.

Cattle grazing remained at past levels until June when part of the herd was sold due to the death of the leasee, Mrs. Marge Tabor, in February. Mrs. Tabor's daughter, Ms. Judy Bridge, signed a new lease with Metro allowing grazing to continue until the remaining stock was sold. This lease ended in October and at present no cattle are grazing on any pasture area. Since then, staff has sprayed pasture B and fencelines for noxious weeds.

Parks staff mowed the pastures in March, May, June, July, August and September. The unusually high amount of mowing had to do with the reduced number of cattle grazing on the three pastures. Over 180 hours of staff time was involved on this task.

Last November we had Mr. Bubl inspect the pastures again and his report dated November 13, 2001 (copy attached) stated the pasture improved significantly from his previous visit. He offered suggestions on future management options (haying, grazing, etc.) and practices that we will follow up on this spring.

Concerning the orchard, our staff Arborist pruned all the trees last winter and again late this fall and early winter. All pruning debris was burned on site per the Plan's recommendation. Since last January, over 80 hours of his time has been spent on this.

On another note, besides the pasture and orchard projects we installed a new gas furnace inside the Bybee House this past December at a cost of over \$3,000. Also, Parks staff did some general maintenance on the dike that borders the Gilbert River between pastures B and C late last spring. This entailed hauling and dumping rock then grading the dike surface. Staff hours totaled approximately 70 hours for this project.

Total hard cost for all the above projects is around \$22,394 and staff spent easily over 450 of their time on them. If you would like additional information on any of the above projects let me know.

## TOKOS Derrick I

---

**From:** Cleaveland Julie L. [juliecleaveland@columbia-center.org]  
**Sent:** Monday, December 31, 2001 9:28 AM  
**To:** derrick.i.tokos@co.multnomah.or.us  
**Cc:** in The Works@jps.net  
**Subject:** Howell App

Hi Derrick:

I have been getting back into the Metro app. for Howell Park in prep for Jan. 15th. I have a couple of questions and would appreciate a swift response.

1) In the Off-Street Parking Criteria, I noticed the criteria for Access (now 34.4170) had not been addressed. I know this can be picked up in Design Review, but I was wondering in Metro's parking plan if this criteria is met. The code requires a 20-foot wide paved access from the street to the parking area. I know Metro is planning on gravel pave for the parking area, and the code supports alternative dustless surfaces for parking. But the Access criteria only allows a paved surface. Does Metro's parking plan have the access into the parking area as gravel pave or pavement? Does its surface water runoff analysis and plan reflect paving the parking lot access?

2) Metro's response to MCC.6132(A), indicates it will be using the grass fields for intermittent parking. The code states that spaces may be unmarked if parking of vehicles is supervised. Metro addresses the use of intermittent parking for special events. Metro states, "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."

Metro has indicated in exhibit K19 (4), that, "Fields designated for overflow parking, are anticipated to be used only 3-4 months of the year during summer weekends, and even then at only 15% of capacity on average. Only for special events will the fields be utilized to capacity." At a capacity of 605 vehicles, that averages to 91 vehicles using fields for parking.

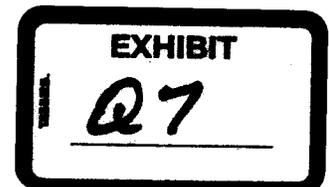
Does Metro intend to use supervised parking for overflow weekend parking? Or does Metro intend to have parking spaces marked in the field 3-4 months of the year? This was not clear to me in the application.

3) Metro does not meet Policy 31 of the Comp Plan which requires Public Transit be available within 1/4 mile. Staff notes states the criteria will be treated in a flexible manner, provided it can be established that the proposed development is in the public interest and is capable of harmonious intergration into the community.

What is the County's interpretation of "harmonious intergration into the community." Where can I look this up?

Thanks Derrick! What day are you on the desk this week?

Julie Cleveland



**TOKOS Derrick I**

---

**From:** Cleaveland Julie L. [juliecleaveland@columbia-center.org]  
**Sent:** Monday, December 31, 2001 11:44 AM  
**To:** derrick.i.tokos@co.multnomah.or.us  
**Cc:** intheworks@jps.net  
**Subject:** Howell App 2

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1) In Metro's Supplemental Findings of Jan 4, 2001 (pg 7 of 11), Metro 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 wetlands than 200 feet. Metro clarified that the turf fields used for overflow parking will only be used for three special events a year."

I take this as an ammendment to the application and negates Metro's previous submissions that identified using an average of 15% of the parking in the fields for overflow parking 3-4 months of the year.

Is this your interpretation of this?

Also, Metro ammends its application by stating it is increasing the parking buffer to the wetlands from 50 ft to 200 ft. This effectively eliminates much of the parking Metro identifies in the north field. Am I correct on this interpretation? Does it impact the location of the gravel pave lot?

2) On pg 9 of 11, Metro states: "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."

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Is Metro asking to ammend the Condition of Approval to 21 days?

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**ORS 215.283. (2)** The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

(w)(A) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

Has Metro submitted the appropriate narrative to respond to the criteria of this statute. Will all commercial activities and facilities occur in authentic buildings depicting the historic period or admin building? Has Metro done the analysis required to see if land other than EFU land is available for these facilities? If Metro wants this statute to apply. It needs to address the criteria for it.

FYI: The supplemental findings states the barn is historic. The barn is not historic. It was constructed in 1980.

Thanks Derrick.

Julie

## TOKOS Derrick I

---

**From:** TOKOS Derrick I  
**Sent:** Wednesday, January 02, 2002 3:45 PM  
**To:** 'Cleaveland Julie L.'  
**Subject:** RE: Howell App

Hi Julie,

I received your e-mails and hope to have a response prepared for you by Friday.

I am not working the counter this week, but expect to be in the office Thursday and Friday. Please give me a call, if you want to come in and talk.

Thanks.

Derrick I. Tokos, AICP  
Planner

-----Original Message-----

From: Cleaveland Julie L. [mailto:juliecleaveland@columbia-center.org]  
Sent: Monday, December 31, 2001 9:28 AM  
To: derrick.i.tokos@co.multnomah.or.us  
Cc: in The Works@jps.net  
Subject: Howell App

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Transit be available within 1/4 mile. Staff notes states the criteria will be treated in a flexible manner, provided it can be established that the proposed development is in the public interest and is capable of harmonious intergration into the community.

What is the County's interpretation of "harmonious intergration into the community." Where can I look this up?

Thanks Derrick! What day are you on the desk this week?

Julie Cleveland

## TOKOS Derrick I

---

**From:** TOKOS Derrick I  
**Sent:** Thursday, January 10, 2002 10:17 AM  
**To:** 'Cleaveland Julie L.'  
**Subject:** RE: Howell App

Julie,

I have responded to your questions, in turn, below. Please contact me if you have any questions.

1. The parking area abuts Howell Park Road, a paved public street so MCC 11.15.6128 does not appear to be applicable. Parking stalls must be physically separated from street lot lines (ref: MCC .6138), so we don't understand the term "abut" to mean immediately adjacent to the road. Metro's plans show the access off of Howell Park as gravelpave2, and this is the type of surfacing accounted for in the drainage analysis. Final parking/drive alignment, surfacing, detail drainage and the like are items that are evaluated at design review.

2. The application does reference intermittent use of overflow parking areas during the dry season. You are correct that the County code requires that parking in such areas be supervised or marked (MCC .6132). This is an issue that can be addressed at Design Review. To date, Metro has not indicated which approach they intend to pursue. If marking is required, the type of marking will need to be identified on Design Review plans. FYI -- The applicant's supplemental findings identify an overflow capacity for 500 cars not 605 (ref: Exhibit L15).

3. I am not aware of any past interpretation of the phrase "harmonious integration into the community." Compliance with Plan Policy 31 is addressed in Exhibit L15 at page 11.

-----Original Message-----

**From:** Cleaveland Julie L. [mailto:juliecleveland@columbia-center.org]  
**Sent:** Monday, December 31, 2001 9:28 AM  
**To:** derrick.i.tokos@co.multnomah.or.us  
**Cc:** in The Works@jps.net  
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Thanks Derrick! What day are you on the desk this week?

Julie Cleveland

**TOKOS Derrick I**

---

**From:** TOKOS Derrick I  
**Sent:** Thursday, January 10, 2002 12:30 PM  
**To:** 'Cleaveland Julie L.'  
**Subject:** RE: Howell App 2

Julie,

I have responded to your questions, in turn, below. Please contact me if you have any questions.

1. Metro should clarify this. It is our understanding that they expect to use approximately 15% of the overflow parking on a regular basis throughout the summer months -- thus the 200 foot reference. Event parking will use more of the overflow area, with vehicle parking closer to the wetlands.
2. Recommended conditions of approval contain a three (3) week advance notice requirement.
3. They have not amended the list of uses proposed with the application. I expect that the 215.283(2)(w) reference is included in the finding to explain how a living history museum is permitted on EFU lands, by itself, if it cannot be found that a living history museum is a park use (i.e. Living history museums are not called out specifically as park uses under OAR 660-034-0035).

-----Original Message-----

**From:** Cleaveland Julie L. [mailto:juliecleaveland@columbia-center.org]  
**Sent:** Monday, December 31, 2001 11:44 AM  
**To:** derrick.i.tokos@co.multnomah.or.us  
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FYI: The supplimental findings states the barn is historic. The barn is not historic. It was constructed in 1980.

Thanks Derrick.

Julie

## TOKOS Derrick I

---

**From:** MUIR Susan L  
**Sent:** Monday, January 14, 2002 11:42 AM  
**To:** CHAIR Mult; SMITH Andy J; PULLEN Mike J  
**Cc:** TOKOS Derrick I  
**Subject:** RE: Howell Territorial Park Hearing

Thanks Ken, we'll get it into the record. Susan

-----Original Message-----

From: CHENG Ken D On Behalf Of CHAIR Mult  
Sent: Monday, January 14, 2002 11:16 AM  
To: SMITH Andy J; PULLEN Mike J; MUIR Susan L  
Subject: FW: Howell Territorial Park Hearing

Folks, passing this along. Ken

Andy, is there anyone else it should go to?

-----Original Message-----

From: In The Works [mailto:intheworks@jps.net]  
Sent: Friday, January 11, 2002 2:02 PM  
To: mult.chair@co.multnomah.or.us; district1@co.multnomah.or.us;  
serena@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us;  
lonnie.j.roberts@co.multnomah.or.us  
Subject: Howell Territorial Park Hearing

Dear Commissioners:

1-10-02

I am very concerned about the Howell Park property on Sauvie Island and have attended every meeting and hearing on the subject for the past two years. Unfortunately, I will miss the meeting on January 15, 2001 and therefore wanted to send you a short note regarding my thoughts.

Our infrastructure is too fragile to consider inviting more people and vehicles than currently traverse the area. Our roads are over capacity now and you are very aware of our bridge crisis! The plan Metro is proposing would bring increased traffic and activities to the site which brings a negative impact to the flora and fauna (including people) who live and work on the Island. Our totally volunteer fire department responds to every 911 call whether there is an emergency vehicle stationed at the Park or not; I know you will hear many convincing arguments as people testify on the 15th.

We absolutely must have a bridge which will support the local economy to be able to keep the Island the place it has been and we need breathing room with the confidence that we can all continue to make a living here before we can think about the idea of expansion of uses at the Park. Once that is assured, we can discuss the needs of Howell Park and the historic house which is in dire need of professional repair in many areas (floors and wall sections in particular); public restrooms; coffee shop, paths and large signs, etc. I believe the mediation process has merit in this situation as long as Metro is committed to participating with the Island committee.

Thank you for your time considering this difficult issue.

Lora K. Creswick  
Resident of Sauvie Island and small business owner



## TOKOS Derrick I

---

**From:** ROMERO Shelli D on behalf of District1  
**Sent:** Friday, January 11, 2002 3:10 PM  
**To:** TOKOS Derrick I; MUIR Susan L; BUSSE Kathy A  
**Subject:** FW: Howell Territorial Park Hearing

This was sent to Commissioners today - see below - Shelli  
P.S. Hopefully only staff has read as to not make it considered exparte!

Shelli Romero  
Office of Commissioner Maria Rojo de Steffey  
Multnomah County - District 1  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214  
(503) 988-4435 phone  
(503) 988-5440 fax  
Shelli.D.Romero@co.multnomah.or.us  
Se habla espanol

-----Original Message-----

From: In The Works [mailto:intheworks@jps.net]  
Sent: Friday, January 11, 2002 2:02 PM  
To: mult.chair@co.multnomah.or.us; district1@co.multnomah.or.us;  
serena@co.multnomah.or.us; lisa.h.naito@co.multnomah.or.us;  
lonnie.j.roberts@co.multnomah.or.us  
Subject: Howell Territorial Park Hearing

Dear Commissioners: 1-10-02

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Thank you for your time considering this difficult issue.

Lora K. Creswick  
Resident of Sauvie Island and small business owner

# OREGONIANS IN ACTION

Mailing: P.O.Box 230637 Tigard OR 97281  
Address: 8255 SW Hunziker Rd. Suite #200 Tigard OR 97223  
Phone(503) 620-0258 Fax (503)639-6891

## Fax Transmittal

Date: 1/15/02

To: MULT. Co. PLANNING

Fax # 988 3389

From \_\_\_\_\_

# of pages 2 including cover.

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

Note:

CU-0-2 PLEASE ENTER THIS LETTER INTO  
THE RECORD FOR TONIGHTS HEARING

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EXHIBIT  
1 Q9

# OREGONIANS

I N A C T I O N

## Legal Center

January 15, 2002

Multnomah County Board of Commissioners  
501 S.E. Hawthorne  
Suite 600  
Portland, OR 97214

Re: Metro Bybee Howell Park Expansion  
CU-0-2

Dear Commissioners:

These comments are submitted in opposition to the above-numbered land use application submitted by Metro. Please enter this letter into the record.

Our primary concern regarding the subject application is the failure by Metro to demonstrate compliance with the conditional use approval criteria in MCC 11.15.7120. Although these criteria seem somewhat arbitrary and subjective, thereby leading to multiple interpretations to justify the outcome the decision-maker wishes to achieve, they are nevertheless the criteria which Metro must satisfy. As long as these criteria are applied to the farmers, ranchers, and landowners we represent, they should apply with equal force to Metro.

Specifically, we do not believe that Metro has demonstrated compliance with the following approval criteria:

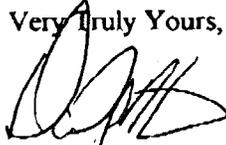
1. 11.15.7120(A)(3)(b): Increase the number and size of events occurring in the park will have tremendous impacts on traffic in the area. Metro's traffic impact study appears to be based on traffic counts that do not coincide with the time set for area farmers to transport the products raised on the farm to market. Since there is only one way entry/exit onto the island, Metro should have made the determination as to traffic increases that will occur during the harvest season, in order to determine whether traffic will interfere with the efficient transport of farm products off the island. If they have not, the Board should deny Metro's application.
2. 11.15.7120(A)(4): Increasing the number and size of events occurring in the park will impact the need for public transportation, presumably beyond the levels currently occurring. A review of Tri-Met's bus schedule shows that they run one bus per hour to the island on Saturday, with no buses on Sunday. It appears from Metro's proposal that the improvements contemplated will generate events of the size that requires additional bus capacity. Has Metro reached agreement with Tri-Met to increase bus routes to service those events? Has Metro analyzed alternative transportation modes that will be used to attend the events created by the proposal

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Fax: (503) 639-6891 E-mail: oiaec@teleport.com

(bicycle/pedestrian/boat) and the need to design facilities to service those uses? If not, then the Board should deny Metro's application.

Thank you for the opportunity to comment. We trust that the Board will apply the same criteria and make the same interpretations regarding this application that they would make if this was a private company submitting the application.

Very Truly Yours,



David J Hunnicutt  
Director of Legal Affairs

**Howell Territorial Park  
Supplemental Findings  
January 15, 2002**

**Introduction**

The Board held a hearing on Metro's application for a conditional use permit for new facilities at Howell Territorial Park on Sauvie Island on January 4, 2001. At the hearing, the Board considered the Hearings Officer decision to deny the permit, a Multnomah County Planning recommendation to approve the permit, testimony on the application, and much information submitted and considered by the Board at earlier hearings. At the close of the hearing, the Board requested Metro, Sauvie Island residents and county planning staff to meet to address three areas of concern: impact on farm practices, traffic and fire prevention services.

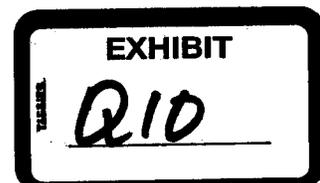
Since the Board's hearing, Metro has discussed the areas of concern with island residents and county officials. Metro has taken several measures to address the concerns. These supplemental findings revise the findings of the Hearings Officer to incorporate the measures and to specify conditions to ensure the measures are part of the Board's decision. With these supplemental findings, Metro's application complies with all applicable provisions of the Multnomah County Zoning Ordinance and the Comprehensive Plan.

**5. Project Description**

The project description remains 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 annually. The two other events will not exceed 1,000 participants and will be held prior to August 15<sup>th</sup> 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. A copy of the farm management plan is in the record. Metro has begun to implement the plan. A letter from Mr. Chip Bubl, O.S.U. Extension Agent, dated November 13,



2001, indicates that the plan has been effective to improve conditions of the pasture and to address noxious vegetation. 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.

The county's code provision is based on ORS 215.283(2)(d), which authorizes parks in farm zones as a conditional use. Recent legislative changes (1999 and 2001) to this statutory provision have first confused, then clarified the law that applies to this application. Before the change to the statute in 1999, the statutory provision was nearly identical to the current county code language. The 1999 Legislature revised the provision to authorize community centers, too, so long as they were operated by and for the local rural community. A grammar error in the revision raised an ambiguity: were parks, also, limited to those operated by and for the local community? The 2001 Legislature became aware of the ambiguity and resolved it with an amendment (House Bill 2502). The amendment clarified that only community centers, not parks, are subject to the limitation. Parks are allowed in farm zones regardless whether they are operated by and for a local rural community.

The 1999 Legislature made a second amendment to ORS 215.283(2)(d). The amendment added a sentence: "A public park may be established consistent with the provisions of ORS 195.120." The legislature enacted ORS 195.120 at the behest of the Oregon Parks and Recreation Department to clarify the criteria and procedure for expansion of existing and development of new state parks in farm or forest zones. However, the statute also addresses local parks and directed LCDC to adopt rules for both state and local parks. The statute provides that a local government does not have to take an exception from Goal 3 (Agriculture Land) or 4 (Forest Land) to allow a park use identified in the required LCDC rule.

LCDC adopted a parks rule, as directed by the legislature, found at OAR 660-034. In two separate subsections, the rule identifies uses that may be allowed in parks in farm zones within an exception from Goal 3. First, the rule says "All uses allowed under Statewide Goal 3 are

allowed on agricultural land within a local park....” OAR 660-034-0040(3). Second, the rule also sets forth a specific list of uses that may be allowed without an exception if incorporated into a local park master plan. OAR 660-034-(0040(2). The parks rule, thus, offers two paths to approval of a park: (1) as a conditional use, as allowed by the county code and ORS 215.283(2)(d) and LCDC’s Goal 3 rule at OAR 660-033-0130(31), if the park uses are allowed by Goal 3; and (2) through a local park master plan approved by the county, if the park uses conform to the specific list in the rule.

Metro’s application can be approved following either path. The uses proposed in its application for a conditional use permit are all uses allowed by Statewide Goal 3 in a park, as can be demonstrated by approval of similar uses in parks in farm zones over many decades and by reference to LCDC’s Goal 3 rule at OAR 660-033-0130(31) and a letter from LCDC Chair, Bill Blosser, to Metro Parks Director, Charles Ciecko, dated December 14, 1998, interpreting the rule (attached). Metro has also adopted a park master plan for the park. 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.<sup>1</sup> 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.<sup>2</sup>

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 Park Master Plan discuss the physical, hydrological, natural, cultural, recreational and

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

<sup>2</sup> May 10, 2000 staff report at p. 18-19.

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.<sup>3</sup> 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).

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

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<sup>3</sup> Howell Territorial Park Master Plan at p.5.

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, the 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 and the condition to require Metro to implement the TMP, 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 be used for summer weekends and the 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 15<sup>th</sup> 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.





# Oregon

John A. Kitzhaber, M.D., Governor

## Land Conservation and Development Commission

635 Capitol Street N.E., Suite 200

Salem, OR 97301

(503) 373-0050

FAX (503) 378-6033

Web Address: <http://www.lcd.state.or.us>

December 14, 1998

Charles Ciecko, Director  
Metro  
600 Northeast Grand Avenue  
Portland, OR 97232-2736

Dear Mr. Ciecko:

Thank you for your letter of November 19 regarding the Land Conservation and Development Commission's (LCDC's) park master planning rules. Since this has not come before the Commission formally, I cannot, of course, speak for other commissioners, but I have done my best to respond to your questions about the rules.

I do not think our rules prohibit all the uses mentioned in your letter. In fact, all but two of the uses you are seeking are probably allowed. Specifically, museums are not allowed on farm or forest land in local parks. A "nature center" may not be allowed either, depending on your definition and whether it is inside a building. Unless I misinterpret your letter, the other uses you desire could be allowed in the two parks you described.

LCDC adopted these rules in response to a law adopted by the legislature. That law required LCDC to open the state's farm and forest zones to some uses not previously allowed on resource lands, provided these uses occur in a state park. In adopting this law, the legislature declared state parks to be of special statewide significance.

*Remains law  
Local parks  
excluded  
or  
over-look*

To meet this statute, LCDC allowed certain uses in state parks, including some uses requested by park providers but not required by the statute. Without a doubt, most of the allowed uses are traditional in state and local parks and will have no detrimental impacts. However, with respect to farm and forest areas, LCDC had concerns. Park providers proposed allowing permanent overnight accommodations (not campgrounds), retail stores, and more intensive uses such as museums and dining facilities.

Although the law mentions local parks, the statute was primarily in response to state park issues, and the legislature did not provide a parallel list of allowed local park uses. Early in the rule discussion, local government representatives took the position that local parks should be allowed the same uses authorized in state parks. This policy was not reflected in the statute. Some local government representatives stated that they were not necessarily concerned about whether these uses were allowed. Rather, they were concerned primarily



Charles Ciecko  
December 14, 1998  
Page 2

that local government be treated equally with state government, notwithstanding the fact that the statute did not call for such equal treatment. By the way, this was by no means a last moment issue as you state in your letter--concern was raised early on in the deliberations in the advisory committee and at LCDC.

*early  
drafts  
treated  
equitably*

In the end, most LCDC commissioners did not agree that state and local parks deserved precisely the same treatment. Testimony demonstrated that there were important differences between the planning, management, and use of these two park categories. For example, state parks are purchased, planned, and managed by a state commission following comprehensive statewide statutes and rules regarding master planning, allowed uses, environmental review, and public involvement. Not all local park plans are subject to such constraints.

Nevertheless, please notice that for all but two categories LCDC provided equivalent rules for both state and local parks. The differences were with regard to (1) interpretive, educational and information facilities, including retail stores and museums, and (2) visitor lodging facilities, including meeting halls and dining halls. Our rule does not grant a blanket exception for these two broad categories on farm or forest land in local parks outside urban growth boundaries. However, as discussed below, an exception is not always required for these uses.

Your letter listed several specific uses that you believe are not allowed on farm and forest land in local parks, including: educational facilities, self-supporting interpretive and informational kiosks and reconstructed historic structures for cultural resource interpretation. Depending on your definition of these uses, they are generally allowed by Goals 3 and 4 and are therefore allowed by the park rules. To explain, please note that the park rules (OAR 660, Division 034) do not take away any uses that are already authorized on farm and forest land under Goal 3 and 4. OAR 660-034-0040(3) states that "All uses allowed under Statewide Goal 3 are allowed on agricultural land within a local park and all uses allowed under Statewide Goal 4 are allowed on forest land within a local park. . . ." Furthermore, all local park plans adopted as part of an acknowledged local land use plan prior to July 15, 1998, and all lawful uses in existence within local parks on that date, are specifically allowed by the rule (OAR 660-034-0040). Public "parks" (not defined) are allowed in farm and forest zones (OAR 660-033-030(31) and -006-025(4)(F)).

Under the rules, Metro will clearly have difficulty providing regional parks with permanent visitor lodging/restaurant/conference facilities (i.e., hotels rather than

Charles Ciecko  
December 14, 1998  
Page 3

campgrounds), museums, and retail stores. However, it appears you are only concerned about museums. Other uses you have described, including any existing "historic" structures, should not be a problem, except interpretive centers. There is no statutory or rule definition for this use, so I cannot tell whether the "interpretive center" Metro proposes is or is not an allowed use in a farm or forest zone. If it is entirely an outdoor use, e.g., signs indicating certain park features, it is probably a "park" use allowed under Goals 3 and 4. To be sure, DLCD staff would be happy to review the proposed use in the two parks you mention and provide you with an opinion about the applicability of Goals 3 and 4.

In conclusion, I assure you neither the commission or the department intends to hinder the planning and development of recreation uses by Metro or other local park providers. I disagree that Goal 8 is a "poor cousin" to other goals. I believe the Commission has established a reasonable balance between recreation needs and the legitimate concerns of farm and forest preservation. I do not feel, and local governments have not asserted, that the prohibition of intensive overnight accommodations, commercial uses, and museums on farm and forest land hinders the provision of high quality recreation and open space areas.

I hope I answered your questions. If not, or if you have additional questions about the park rules, please feel free to call me or Bob Rindy at DLCD (373-0050 ext. 229).

Sincerely,



William R. Blosser  
Chair

cc: LCDC

Mike Burton, Metro  
Bob Keefer, Lane County  
Dan Zinzer, Clackamas County  
Frank Jagodnik, ORPA  
Gary Ward, OPA  
Dick Benner, DLCD  
Ron Eber, DLCD  
Bob Rindy, DLCD



**METRO**

Date: January 9, 2002

To: Charlie Ciecko, Regional Parks and Greenspaces Director

From: Dan Kromer, Parks and Visitor Services Manager *DK*

Subject: Howell Territorial Park Farm Management Plan Update

CC: Heather Nelson Kent, Planning and Education Manager  
Dale Vasnik, Regional Parks Supervisor  
Lora Price, Associate Regional Planner ✓

This memo is to update you on what has transpired over the last year since the implementation of Howell Territorial Park's Farm Management Plan (copy attached). As the Plan states, the two main areas of focus are the pasture and the orchard. Our attention over the last year regarding these areas dealt with control of noxious weeds, perimeter fence line repair and replacement, pasture grazing, mowing and fertilizing, and orchard pruning.

In the early fall of 2000, we contracted with Integrated Vegetation and Insect Management, Inc. to spray pastures A and C of the Plan for tansy ragwort and Canadian thistle. We also had them spot spray areas with high infestations of blackberries. The total cost for this contract was \$2,550. We were then referred to the Columbia County Extension Service because of their expertise in farm pasture management and asked them to inspect the pasture late that fall. Mr. Chip Bubl, Extension Service Agent, walked the site with staff and made several recommendations including limiting herd size and fertilizing. These recommendations and other observations are in the first attached letter from Mr. Bubl dated December 18, 2000.

Last March we hired Stuntzner Engineering & Forestry, LLC to survey the northern property boundary line abutting property owned by Mr. Dennis Grande and Metro so that we could accurately replace the fence line in this location. The cost for the survey, which also included setting a NE corner monument and recording it, was \$3,962. After this survey was completed, we contracted with MQ Franco Reforestation to remove dense stands of vegetation (blackberries, shrubs, etc.) on the boundary in order to properly install the new fence. The cost for vegetation removal was \$1,920.

Following the survey and vegetation removal, Pacific Fence installed 2,176 feet of four strand barbed wire fencing with appropriate tee, pull and terminal posts. We also decided to install a 12 foot wide pipe gate that would allow access to pasture C from Mr. Grande's property for future access to large agricultural equipment in this area. Mr. Grande has approved Metro's use of a road leading from his property to this gate. Total cost for the fence and gate installation was \$8,806.

Integrated Vegetation and Insect Management, Inc. was hired in May, at a cost of \$2,156, to spray pastures A and C for tansy ragwort and Canadian thistle again along with fertilizing these areas.

Cattle grazing remained at past levels until June when part of the herd was sold due to the death of the leasee, Mrs. Marge Tabor, in February. Mrs. Tabor's daughter, Ms. Judy Bridge, signed a new lease with Metro allowing grazing to continue until the remaining stock was sold. This lease ended in October and at present no cattle are grazing on any pasture area. Since then, staff has sprayed pasture B and fencelines for noxious weeds.

Parks staff mowed the pastures in March, May, June, July, August and September. The unusually high amount of mowing had to do with the reduced number of cattle grazing on the three pastures. Over 180 hours of staff time was involved on this task.

Last November we had Mr. Bubl inspect the pastures again and his report dated November 13, 2001 (copy attached) stated the pasture improved significantly from his previous visit. He offered suggestions on future management options (haying, grazing, etc.) and practices that we will follow up on this spring.

Concerning the orchard, our staff Arborist pruned all the trees last winter and again late this fall and early winter. All pruning debris was burned on site per the Plan's recommendation. Since last January, over 80 hours of his time has been spent on this.

On another note, besides the pasture and orchard projects we installed a new gas furnace inside the Bybee House this past December at a cost of over \$3,000. Also, Parks staff did some general maintenance on the dike that borders the Gilbert River between pastures B and C late last spring. This entailed hauling and dumping rock then grading the dike surface. Staff hours totaled approximately 70 hours for this project.

Total hard cost for all the above projects is around \$22,394 and staff spent easily over 450 of their time on them. If you would like additional information on any of the above projects let me know.



**OREGON  
HISTORICAL  
SOCIETY**

January 8, 2002

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne, Suite 600  
Portland OR 97214

**Subject: Testimony Regarding Conditional Use Application  
for Howell Territorial Park**

Dear Commissioners:

I urge your support for the conditional use application submitted by Metro for improvements to Howell Territorial Park on Sauvie Island.

The Oregon Historical Society was an active partner in developing the master plan for the park and continues to partner in managing this significant cultural and natural resource. The improvements covered in the conditional use application are consistent with and complementary to the unique character of the park and its surrounding area.

In its current condition, Howell Territorial Park lacks even the most rudimentary public facilities. The proposed improvements for all-weather parking, rain shelter, adequate public restrooms, basic interpretive signage and disabled access are minimal. Without these basic improvements, visitors are deprived of an opportunity to appreciate and understand the cultural and natural history of Sauvie Island. From the Multnomah Indians to the Lewis and Clark Expedition and early settlers – Howell Territorial Park is poised to share important pieces of Oregon history.

Thousands of visitors are drawn to Sauvie Island annually. There is no facility right now to orient and educate them about island life and history. The island and its residents would be well served by such a facility. Howell Territorial Park provides the best location and opportunity to serve this purpose at a scale that is appropriate to the island and the park. I hope that Howell Territorial Park can achieve its potential to educate visitors and residents about the natural resources and cultural history of Sauvie Island.

Sincerely,



Norma Paulus  
Executive Director



November 13, 2001

Dale Vasnik  
Regional Park Supervisor  
METRO Regional Services  
600 Northeast Grand Avenue  
Portland, Or 97232

Dear Dale:

The following are my comments regarding the management of the Howell Regional Park agricultural grounds:

1. The general state of the pasture is much improved from my previous visit. The combination of herbicide applications and mowing have reduced the tansy ragwort population dramatically and significantly lowered the Canada thistle numbers. Blackberry mowing and spraying has been effective in opening up new ground for pasture growth.
2. The pasture grass stand is good, partly, I expect from a reduction in grazing recently. Over the long term, the farm can support judicious grazing and/or hay production (see specific recommendations below).
3. Recommendations:
  - a. Consider having the property hayed next May or June. This would eliminate much of the spring mowing and provide the same level of grass management for little or no cost. I think that the fields would make good quality hay with a projected 1.5 tons per acre. It could be either sold standing to the highest bidder or traded to someone willing to take the hay and possibly help out with a little farm work when needed.
  - b. Those areas that had the blackberries removed could be spot-sprayed with Roundup or a similar product and the quickly seeded back to perennial ryegrass. While it is late to seed, I think the ryegrass could still establish. If it didn't survive, you wouldn't be out much money.
  - c. Fertilizing the pastures is a more complex topic. When I last gave recommendations, it was based on trying to match the forage production to the demands of the cattle that were using the pastures. Now that the cattle are gone, fertilizer is less critical. Hay does remove some nutrients and it would be useful to periodically soil test and fertilize based on the test results. I don't feel there is any need to fertilize this coming spring.
  - d. If there is an interest in leasing the ground for cattle grazing, I would only lease the property from April through October. This allows the pasture some time to recover in the winter (assuming the Canada geese don't hit it too hard).

- e. The main weed problems left at this point are Canada thistle and Himalayan blackberries. C. thistle is tough to control since it is a spreading herbaceous perennial. Persistence with chemical treatments is the only answer. I expect after this year, there will be less reason to spray every spring/summer and that weed management will be on an as-needed basis. There is a product called Redeem that may be helpful in areas where you have a mixture of C. thistle and young blackberries. For thistle control, Curtail is probably the most useful, applied in mid-May if the weather cooperates. An application after hay-making in early August might be an alternative application time. Watch the label restrictions on making hay and follow all other label instructions when using any pesticide. Tansy seems largely under control except in a few areas that didn't get sprayed. As I noted when we walked the fields, the remaining tansy seemed to have healthy populations of the tansy flea beetle and many of those plants may be gone by next spring.

I hope these comments are helpful. Please feel free to call if you have any questions.

Sincerely,



Chip Bubl  
OSU Extension Agent  
Staff Chair & Agriculture

January 9, 2002

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne, Suite 600  
Portland OR 97214

Chair Linn and Commissioners,

Dear Commissioners:

I am writing on behalf of the Audubon Society of Portland and its 10,000 members regarding your upcoming hearing on Sauvie Island regarding Metro's Conditional Use application for Howell Territorial Park. I attended a hearing over a year ago to support Metro's proposed management plan for Howell Park but the hearing was cancelled after brief testimony from Metro staff.

Today, I'm writing to urge your support of Metro's request for a Conditional Use Application for what we consider to be much-needed and modest improvements to Howell Territorial Park.

In our opinion Howell Territorial Park needs additional facilities for public use. We believe the proposed improvements are minimal in nature and in keeping with Metro's responsibility to manage natural resources at the site in a responsible manner. We have long supported a central location for educating the general public regarding the resources of Sauvie Island, and for Bybee Howell to be that site. Without the proposed improvements visitors will continue to come to the island without information regarding where the resources exist to meet their needs and interests.

We hope that Howell Territorial Park can serve to welcome and educate visitors and residents regarding natural resources and history of Sauvie Island. We also hope to partner with Metro Regional Parks and Greenspaces and Oregon Historical Society to utilize the site for our natural history educational programs and field trips. There is currently no location that provides us with such a resource. We hope you will support Metro's proposal to develop a facility that will meet these needs.

Respectfully,

Mike Houck,  
Urban Naturalist

DATE: January 9, 2002

TO: Chair Diane Linn  
Commissioner Cruz  
Commissioner Naito  
Commissioner Roberts  
Commissioner Rojo de Steffey

RE: Support of the Bybee Howell Territorial Park Master Plan.

Every member of my family has, at some point, worked at the Bybee Howell House on Sauvie Island. My parents spent most weekends at the house in the early 1960'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 doing other odd jobs around the house and barn. Both of my sisters worked in the house giving tours during their high school summers. While I am not a resident of the Island, I feel that I can speak reasonably well as to this subject.

As I was Executive Assistant for Commissioner Saltzman at that time, Sauvie Island fell under our jurisdiction and I was involved with many issues that were going on around the Island. This included the Howell Territorial Park Master Plan, Sauvie Island Rural Area Plan, Birds of Prey, Happy Rock Moorage, and other issues of concern to the residents.

I am no stranger to public process. But this was my first dealing with METRO on a significant project and I was impressed with their staff and the way they worked to include the residents on every detail on the Howell Territorial Park Master Plan. Metro staff genuinely wanted Island members to have significant input on every detail 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.

The process for the Howell Territorial Park Plan was very well thought out, inclusive of the members of the committee and open to all other residents who could have joined--but chose not to. The committee was made up predominantly of island residents, as well as Carla Simon--the curator of the Bybee Howell House at that time, Jane Hart from METRO, Jack Cleaver from the Oregon Historical Society, Bo Nevue--from Nevue/Ngan Landscape Architects, Terry Dufour from the Oregon Department of Fish and Wildlife and me.

Our meetings continued for several months with regular updates as to the progress for the designs of the park and ideas for ways to give the public a better feeling of the wildlife and nature that is such a special part of being out on



the Island. Special attention was given to making nature trails that would be unobtrusive to birds and other wildlife around the park. Really, every step was taken to make this a very special park with great respect for the native birds and other wildlife.

Once the plan was taking shape, Metro conducted 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 reported regularly on the events of Sauvie Island at our weekly Board Staff meetings and spoke many times of the work being done on the Master Plan and how inclusive it was of the residents. There were no problems on the Committee and members were pleased with the progress that was taking place.

The one concern that was brought up then and that has been echoed for many decades prior to these new plans is that making improvements to the Bybee Howell House would change the integrity of the park and would 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 handful of Islanders supporting the efforts of the Oregon Historical Society at that time, the feelings have not changed much since then.

Most of the changes that have been suggested are in keeping with updating a 19th century house to the 21st century. The plan was extremely well thought out and painstakingly researched. Metro and the Nevue/Ngan group were sensitive to the wishes of the residents and to keeping the property as unspoiled as possible while making some necessary changes.

For every minor change that occurs on Sauvie Island, somehow, the birds, beaver, muskrats and other wildlife seem to figure it out. They continue to roost and make their homes on the island and around the park. The plan is respectful of that—and goes to great lengths to protect those animals from visitors far more than they are now—when people can tromp around as they please. I think you will find that the Bybee Howell House and METRO will continue to be a very desirable and caring neighbor. There are few organizations that are willing to go to the efforts they have in order to keep the neighbors, visitors and wildlife living in harmony.

Sincerely,

Cameron Vaughan-Tyler  
3600 NE Klickitat Street  
Portland, OR 97212  
Klickitat3600@qwest.net

#1

SPEAKER SIGN UP CARDS

DATE 1/15/02

NAME Dick Benner

ADDRESS Metro GENERAL Counsel

300 1/2 Grand Ave

PHONE Portland 97002

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC PH-1

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 1/15/02

NAME LORA Price

ADDRESS Metro

PHONE \_\_\_\_\_

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC PH-1

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 01/15/02

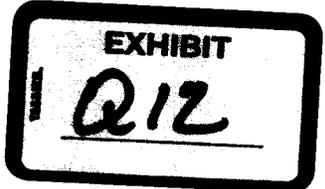
NAME Julie Kuhn

ADDRESS KITTELSON & ASSOCIATES

PHONE \_\_\_\_\_

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC PH-1

GIVE TO BOARD CLERK



#4

**SPEAKER SIGN UP CARDS**

DATE Jan 15, 2002  
NAME Daniel Kearns  
ADDRESS 608 SE Alder Street  
Suite 803 Portland - 97205  
PHONE \_\_\_\_\_  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Metro Park Expansion  
GIVE TO BOARD CLERK

#5

**SPEAKER SIGN UP CARDS**

DATE 1-15-02  
NAME Julie Cleveland  
ADDRESS 27448 NW St Helens Rd  
Scappoose, OR 97159  
PHONE \_\_\_\_\_  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PH-1  
GIVE TO BOARD CLERK

#6

**SPEAKER SIGN UP CARDS**

DATE 12-15-02  
NAME Jim Charlton  
ADDRESS 13825 N.W. Charlton  
Portland OR 97231  
PHONE 503-221-3975  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Spice + S  
GIVE TO BOARD CLERK

#7

**SPEAKER SIGN UP CARDS**

DATE 1.15.02  
NAME W.G. White  
ADDRESS 17757 NW Sawvie Is Rd  
Portland 97231  
PHONE 503.621.3632  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PHI  
GIVE TO BOARD CLERK

#8

**SPEAKER SIGN UP CARDS**

DATE Jan 15, 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 \_\_\_\_\_  
GIVE TO BOARD CLERK

#9

**SPEAKER SIGN UP CARDS**

DATE 1/15/02  
NAME Ren Bramlett  
ADDRESS 18536 NW Sawvie Isl. Is.  
Portland  
PHONE 503-621-9241  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Howell Terr. Park / Grand Boston  
GIVE TO BOARD CLERK

#10

SPEAKER SIGN UP CARDS

DATE 01/15/02  
 NAME JOAN WATERS-WHITE  
 ADDRESS 17757 NW SAUVIE IS. Rd  
POK 97231  
 PHONE 621-3623  
 SPEAKING ON AGENDA ITEM NUMBER OR  
 TOPIC PROTECTION OF SE AGRICULT-  
GIVE TO BOARD CLERK URAI  
LANDS

#1 <sup>5 #11</sup> <sub>TESTIMONY</sub> (#1 objection to Roberts)

SPEAKER SIGN UP CARDS

DATE 1-15-02  
 NAME Pennie Trumbull  
 ADDRESS 19490 NW Gillham  
 PHONE 521-1229  
 SPEAKING ON AGENDA ITEM NUMBER OR  
 TOPIC PH1  
 GIVE TO BOARD CLERK

#12

SPEAKER SIGN UP CARDS

DATE 1-15-02  
 NAME Yvonne Celota  
 ADDRESS 18620 NW Gillham  
 PHONE 503-621-3457  
 SPEAKING ON AGENDA ITEM NUMBER OR  
 TOPIC \_\_\_\_\_  
 GIVE TO BOARD CLERK

#13

SPEAKER SIGN UP CARDS

DATE 1-15-02  
NAME ROBERT CIELOHA  
ADDRESS 18620 N.W. Greenway  
RD PORTLAND OR 97221  
PHONE 503 621 3457  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC \_\_\_\_\_  
GIVE TO BOARD CLERK

#14

SPEAKER SIGN UP CARDS

DATE 1/15/02  
NAME Denny Grande  
ADDRESS 13743 N.W. Chandler  
Portland, Or 97221  
PHONE 503-621-2000  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC \_\_\_\_\_  
GIVE TO BOARD CLERK

#15

SPEAKER SIGN UP CARDS

DATE 1-15-02  
NAME MARCI BURNS  
ADDRESS 23815 NW Reedon  
Sauvie Island IDX  
PHONE 621 3154 97231  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC \_\_\_\_\_  
GIVE TO BOARD CLERK

#16

**SPEAKER SIGN UP CARDS**

DATE 1-15-2002  
NAME Keith Steenslid  
ADDRESS 22732 NW 50th Ave. LI  
PHONE 503-621-9604  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Park Master Plan  
GIVE TO BOARD CLERK

#17

**SPEAKER SIGN UP CARDS**

DATE 1-15-02  
NAME Bill Blacke  
ADDRESS 17500 NW Seaview Island  
PHONE 503-621-6975  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PH-1  
GIVE TO BOARD CLERK

#18

**SPEAKER SIGN UP CARDS**

DATE 1/15/01  
NAME KENNIE WHEELER  
ADDRESS 19815 NW Sullivan Rd  
Portland OR 97231  
PHONE 503-521-3032  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC DRAINAGE DIST - Agriculture  
GIVE TO BOARD CLERK

#19

SPEAKER SIGN UP CARDS

DATE 1/15/02

NAME Robert Wilcox

ADDRESS 13755 NW Charleston Rd  
Port

PHONE 503-621-3462

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC PH - 1

GIVE TO BOARD CLERK

#20

ADRIENNE GAVE HER TIME TO JULIE

SPEAKER SIGN UP CARDS

↓  
Julie Cleveland

DATE 1/15/02

NAME Adrienne Keith

ADDRESS 14339 NW Charleston Rd.  
Port.

PHONE 621-3939

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC PH - 1

GIVE TO BOARD CLERK

#21

SPEAKER SIGN UP CARDS

DATE 1-15-02

NAME David Egger

ADDRESS 19818 NW Sanvie Is Rd

PHONE 503-621-3015

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC Farming impact - across the fence

GIVE TO BOARD CLERK

#22

SPEAKER SIGN UP CARDS

DATE 1-15-02  
NAME DIANE KUNDEL  
ADDRESS 21024 NW SULLIVAN RD  
PORTLAND OR  
PHONE 503-221-1000  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PH-1  
GIVE TO BOARD CLERK

#23

SPEAKER SIGN UP CARDS

DATE 1/15/02  
NAME Kari Sager  
ADDRESS 16450 NW Gilliam  
PHONE 621-3800  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PH-1  
GIVE TO BOARD CLERK

#24

SPEAKER SIGN UP CARDS

DATE 1/15/02  
NAME Mary Zouso  
ADDRESS 16600 N.W. Gilliam  
PHONE 621-1018  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Condition use application  
GIVE TO BOARD CLERK

#25

SPEAKER SIGN UP CARDS

DATE 18 Jan 02  
NAME David Fowls  
ADDRESS 1001 NE Thompson  
Portland, OR 97217  
PHONE 282 9263  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Hawell Park Proposal  
GIVE TO BOARD CLERK PH-1

#24

SPEAKER SIGN UP CARDS

DATE 01-15-02  
NAME Tom Williamson  
ADDRESS 17621 NW LUCY REEDER RD  
PHONE 621-3276  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC \_\_\_\_\_  
GIVE TO BOARD CLERK \_\_\_\_\_

Did not speak

SPEAKER SIGN UP CARDS

DATE 1-15-02  
NAME Dave Koenecke  
ADDRESS 14482 NW Pollock  
Portland OR  
PHONE 503-621-3927  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Hawell Park  
GIVE TO BOARD CLERK \_\_\_\_\_

**TOKOS Derrick I**

---

**From:** BOGSTAD Deborah L  
**Sent:** Thursday, January 17, 2002 1:06 PM  
**To:** TOKOS Derrick I; FARMER Stuart L  
**Subject:** FW: Howell Park Testimony

**Deb Bogstad, Board Clerk**  
**Multnomah County Chair's Office**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277**  
<http://www.co.multnomah.or.us/cc>

-----Original Message-----

**From:** Cleaveland Julie L. [mailto:juliecleland@columbia-center.org]  
**Sent:** Thursday, January 17, 2002 12:52 PM  
**To:** deborah.l.bogstad@co.multnomah.or.us  
**Subject:** Howell Park Testimony

Hi Deb:

Here is the testimony I gave on behalf of the Boosters Community Association on Tuesday. I have put in a request with the school district for heat at our future meetings at the school.

Julie

\*\*\*\*\*

**Sauvie Island Boosters Community Association**  
**Oral Testimony**  
**January 15, 2002**

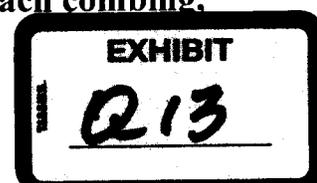
**INTRODUCTION**

**My name is Julie Cleveland. I live at 27448 NW St Helens Rd #300 in Rural Multnomah County. I have been given the daunting task of testifying before you today on behalf of the Sauvie Island Boosters Community Association. It is the Association's position that this application, as it appears before you today, should be denied. And I thank you for given me the opportunity to explain our positions.**

**POSITION ONE**

**I recently watched a tape of Oregon Field Guide. The OPB documentary show hosted by Steve Amen. Amen described a place that was being literally loved to death<sup>2</sup> by visitors. A place that attracted 750,000 visitors annually. A place that got as many visitors as Crater Lake National Park. A place visitors flocked to for outstanding recreational opportunities like, birdwatching, hunting, hiking, biking, beach combing,**

1/17/02



**picnicking, and boating. A place that Amen said, was hard to get to on summer days because the roads leading to it were packed with cars, bikes, and joggers..... The place in this 1995 documentary.... was the Sauvie Island Wildlife Refuge.**

**What can you do to try and stop a place from being loved to death? Wildlife Managers had to implement a management plan that restricted public access to areas of the refuge and limited the uses to preserve the primary purpose of the refuge. Wildlife management. They had to do this because even passive activities like birdwatching were disrupting wildlife and sending flocks of Canada Geese into farmers fields, causing millions of dollars in crop damage. The overwhelming amount of visitors had a tremendous impact on wildlife and Island farmers. Although their management plan restricted access and use - the Sauvie Island Wildlife Refuge presently receives 800,000 visitors annually. Fifty thousand more people than in 1995.**

**Today, the entire Island is on the verge of being loved to death. Over 1.5 million visitors a year come to Sauvie Island.**

**But along with impacting wildlife breeding, nesting and feeding grounds, Island visitors are impacting our primary purpose- farming the largest block of High-Value Farmlands in Multnomah County.**

**The volume of visitors conflict with farm uses and has significantly impacted how farmers do business. Traffic volumes on the Islands rural collector roads exceed the limits these roads were designed to carry.**

**And traffic that impacts farming practices is not limited to vehicle traffic but also includes pedestrian and bicycle traffic- uses that have been a source of conflict on the Island for years.**

**We need to stress that visitor conflicts to farming are not just limited to traffic issues. The high amount of visitors we receive also brings increased theft and vandalism problems for farmers *and* residents to contend with. Damage to fences, signs, litter, abandoned vehicles, trespassing are all on the rise and impact the cost of doing business.**

**We are asking the board to not allow any conditional use development on Island farmland that will result in an increase of traffic -no matter how small. The popularity of Sauvie Island as a tourist destination is not waning. Each year, more and more people come the the Island. According to Metro's traffic study, the amount of vehicle traffic will increase .03 percent annually.**

**Metro's own traffic consultant states under future conditions based on the moderate traffic increase generated by the park expansion, the total number of vehicle passes along the dike road, that's Sauvie Island Rd, will be 2,160,000 vehicles a year.**

**2,160,000 vehicles a year on just one Island road. 2,160,000 vehicles a year on a rural collector road, that the county has identified in the RAP as being substandard by not meeting the proper design criteria. Over 2 million vehicles a year significantly impacts this farm community.**

**We are asking the board to interpret and implement our state laws and county codes to protect our <sup>3</sup>Right to Farm<sup>2</sup> and not allow any conditional uses that will increase visitors. Our infrastructure is already taxed beyond its carrying capacity.**

**We are asking the board to concur with our Rural Area Plan that identifies the high visitor use of Sauvie Island already conflicts with farming and impacts farm practices. We are asking that you recognize that Metro's proposed development will increase traffic on the Island and make a bad situation worse. We asking you to find this application in non-compliance with ORS 215.296, and MCC 11.15.7120.**

## **POSITION TWO**

**\* Oregon State Statute 215.283 (2)(d) prohibits Metro from developing Howell Territorial Park as a regional park. This 1999 law states the following as acceptable conditional uses on high value farmland: Quote**

***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. Unquote***

**There are two kinds of Exclusive Farm Use lands in the state. Marginal and High Value lands. The state requires that High Value EFU lands have provisions that are more restrictive than marginal lands, in a effort to protect these higher valued lands from conflicting uses. All EFU lands in Multnomah County are considered high value farmlands.**

**This law, ORS 215.283, was written specifically for high value EFU lands, and it does an excellent job of protecting these farmlands from becoming tourist destinations that conflict with farming. It keeps a public park from being a regional recreation destination, and requires that parks be established consistent with the provisions of ORS 195.120.**

**Because this statute was problematic for Metro, they used the 6-month extension that was granted by the board last January, and lobbied the state legislature to amend this statute. Metro was successful. The current law decreases the protection of High Value farmlands to the same provisions applied to marginal lands. The new statute does not require that a park be operated primarily by and for the local rural community.**

**However, this Conditional Use application before you today, must be judged by the**

laws that were in effect at the time the application was made. We are asking the board to deny this application because it does not meet 1999 version ORS 215.283 (2)(d).

### **POSITION THREE**

**\* Metro states in its application that:**

*<sup>3</sup>Peak visitation times<sup>2</sup> [at the park] will occur during the summer and early fall weekends . Essentially, the park will mirror the current ebb and flow of life on the island.<sup>2</sup>*

**We agree, these are the busiest seasons on the Island for visitors. And we agree that park use will mirror the ebb and flow of life on the island. Let us explain what that ebb and flow is like. Because we know the traffic cycles of the Island like the back of our hands.**

**The summer months and warm fall days will be the time of year that we have the most visitors and the most diverse group recreation users. Weekends will be busier than weekdays. The most popular recreation activity this time of year is going to the beaches. When the days get shorter and the crisp fall air comes, tourism to the Island wanes for a few weeks. Then, what we refer to as<sup>3</sup>Pumpkin Season<sup>2</sup> comes. This is the two middle weeks in October. This is the time of year when most visitors come to visit the farm markets for the fall harvest vegetables and to pick pumpkins for Halloween.**

**It is also the time of year when traffic volumes on weekends creates such a bottle neck on the bridge that traffic is backed up all all three of the Island rural collector roads in a traffic jam that can lasts for hours. This situation creates enormous public safety concerns with our volunteer fire department.**

**The last weekend in October tourism plummets. The weather usually sucks, and folks already have their pumpkins. The next wave of Island visitors are the hunters, winter birders, and a few hearty cyclists. The warm spring weather brings out multiple recreation users until it tourism builds to the summer time highs.**

**Metro's traffic report states, and I quote, <sup>3</sup>Peak seasonal traffic conditions are expected to occur 10 to 12 weekends per year within the months of July, August, and September.<sup>2</sup> Unquote. Taking all of this into consideration, we submit that Metro's traffic study is inadequate to assess traffic conditions that occur during the parks peak visitation times--- July thru August. The first study was conducted Oct. 2, 1999. It just missed the height of summer traffic and was done one week before<sup>3</sup>Pumpkin Season.<sup>2</sup> The second study was done the last weekend in October. One week after Pumpkin Season<sup>2</sup> when visitor use drops dramatically.**

**What does this mean? Metro repeatedly relies on their traffic study as justification for approval of this application. But we do not see how the board can support a study that**

**was not taken during the peak visitation times that Metro identifies. The study fails to collect data on traffic volumes and peak traffic hours during the time Metro identifies at their <sup>3</sup>Peak Visitation Season.<sup>2</sup>**

**This data is critical to accurately analyze the impacts Metro's proposed development will have. Without it, how can the study adequately assess the impacts Metro's proposal will have on farming practices, safety- specifically, the need for a right hand turn lane onto NW Howell Park Road, traffic impacts on natural resources, or fire/EMS services?**

**It can't be done. The study only shows the traffic volumes at a time when tourism was waning for both the park and the Island- only 5700 vehicle trips a day.**

**At best, the study should have been done during the summer months of July or August, when vehicle traffic exceeds 5700 trips a day. And it should have considered not only vehicle traffic but analyzed pedestrian and bicycle traffic as well. Which are two uses that are at their peak in the summer months-not the end of October.**

**We ask the board to deem Metro's Traffic Report lacking the necessary data to support this application. We ask the board deny this application based on the findings Metro failed to supply adequate traffic study required to satisfy ORS 215.296, MCC 11.15.7120, .2026, and Comp. Plan Policy 38.**

#### **POSITION FOUR**

**In their application, Metro states that the *Peak visitation times will occur during the summer and early fall weekends when farm related traffic is at its lowest*. This statement is downright inaccurate. Metro supplies no analysis in their application to support their position that summer and early fall weekends is when farm related traffic is at its lowest.**

**Farming operations occur on the Island 365 days a year. Summer and fall are peak times for farm operations. June- October is the busiest time of year for the farm markets that operate on the Island. The majority of farm market customers come on weekends.**

**June - August is the busiest time of year for berry farmers. Strawberries, boysen berries, marion berries, blueberries are just some of the fruits that are harvested and transported off Island in the summer. Many berry growers offer upick opportunities as a part of their farming practices. Thousands of visitors come to the Island - especially on weekends - to the u-pick fields and farm markets. Clover, grass seed, wheat, sweet peas, sweet corn, silage corn, and peaches are some of our other summer harvest crops. During the spring, summer, fall, and winter-weekdays and weekends-farm equipment is begin moved via the rural roads to other farm parcels. Every two**

days, year round, over 13,000 pounds of milk is hauled off Island. Coming on the Island, are the trucks to haul farm commodities to market. Also coming on the Island is feed for dairy cows - 10 tons of it every two weeks.

We ask that the board recognize that Metro's proposal will increase use of the park during the Island's 'Peak Visitation Time' as identified by Metro. We also ask the board disregard Metro's statement that *Peak visitation times will occur when farm related traffic is at its lowest*. We ask the board to find the proposed use by Metro as a conflicting use because it increases traffic and will exasperate existing conflicts that interfere with farming practices. Once again, we ask you to find this application in non-compliance with ORS 215.296, and MCC 11.15.7120.

#### **POSITION FIVE**

\* A key issue identified by the hearings officer was that Metro failed to do the required analysis for commercial and non-commercial farms alike. The Hearings Officer gave specific criteria for Metro to address in the analysis. The Hearings Officer asked Metro to analyze each use proposed with the park expansion, and determine its likely impacts on all adjoining farm properties. Metro did their study for farms within a 1/2 mile radius of the park. And for most EFU lands this would be an adequate analysis.

But the Island is unique. We only have one road to get goods and services on and off the Island. NW Sauvie Island Road via the Sauvie Island Bridge. Increased traffic at Howell Park impacts all Island farmers - not just those within a 1/2 mile radius.

For example, Dave Kunkel lives 6 miles from the park, but he own and leases farmlands all over the Island - including land several miles north of the park on Sauvie Island Rd. He and his employees routinely pass the park to farm this parcel. The traffic impacts of the park will impact his farming operation even though he is not within a 1/2 mile radius of the park.

Because all Island farm related traffic uses Sauvie Island Rd, the analysis needed to look at the impacts park uses will have on all Island commercial and noneommercial farms - not just adjoining farms within a 1/2 mile of the park.

In the farm analysis, Metro states, it will provide a three week notice to farmers within the 1/2 radius of any future upcoming events to enable them to plan for alternative routes or timing of activities, if needed.

We strongly object. Metro is asking farmers to change their farming practices and increase transportation costs to accommodate Metr's events. Farmers use the most direct and quickest route to get their commodities off the Island. Some produce farmers truck must be to the buyer within hours after being picked. Haulers come nationwide to deliver product to farmers. Does Metro expect a farmer to call a hauler up in Minnesota and tell them to use an alternate route? This directly violates our

**state and county codes.**

**We ask the board to deem Metro's Farm analysis unacceptable based on the findings that it requires farmers to alter their farming practices, increase costs of doing business, and it does not adequately address traffic impacts to all surrounding commercial and non commercial farms as required by ORS 215.296. and MCC 11.15.7120.**

**IN CONCLUSION**

**We are an Island on the verge of being loved to death. Please remember, the primary purpose of EFU lands is to be productive farmlands. And the conditional use before you today, conflicts with that purpose. Please preserve our<sup>3</sup>Right to Farm.<sup>2</sup> We respectfully request that you deny the application before you today.**

**Thank You.**

20020119 PM 09:53  
CLAIR & BEVERLY KLOCK  
COMMUNICATIONS SECTION

January 19, 2002

Multnomah County Land Use Planning  
Att: Derrick Tokos  
1600 S.E. 190th Avenue  
Portland, OR 97233-5910

Derrick,

I am writing to urge the denial of Metro's request for increased activity at the Howell Park complex on Sauvies Island. I state the following consideration for our request for denial:

1. Any use of EFU (particularly flat high value farm land is totally unacceptable. This is reason enough for denial.
2. The infrastructure of the island (roads and other service are inadequate). Visitor use on the island already conflicts with farming practices. This is stated in Metro's own Howell Park Master Plan and our Rural Area Plan.
3. Based on the retail trade on our farm – weekends are the busiest days of the week. This is no different for Sauvies Island.
4. The island is already overused because of the island beaches, wildlife areas and bike traffic.
5. The Island Community Association and residents do not want to increase the activity on the island other than farm retail.
6. The will of the residents in the entire Metro area is not to expand the Urban uses into farmland and this is counter to that desire. We believe this has been clearly illustrated by the Urban Growth Boundary process in the last few years.

Sincerely,

*Clair Klock*  
*Beverly Klock*

Clair & Beverly Klock  
931 NE Salzman Rd.  
Corbett, OR 97019-9724  
503.695.5882  
[cbklock@cascadeaccess.com](mailto:cbklock@cascadeaccess.com)



# TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

As residents of Sayvie Island, we are asking you to consider the impact your plan for the Bybee-Howell House will have on the lives of our families, not to mention the wildlife. We have lived here 10 years (so we're "post-bridge" - an important distinction here.) but wake up every day thankful for the opportunity to do so. The summers and fall seasons bring a huge influx of people, without the additional "attraction" (as in "tourist attraction", in our mind) - bikes, nude beach people, and those just visiting farmer's markets - that create a large amount of conflict for farmers and residents alike. I am sure you are aware of the bridge problems - to introduce more traffic, waiting in line on the bridge for the light to change, seems foolish at best, and dangerous at worst. Finally, I'd like to quote 2 published passages about the Island - written 50 years apart: "It would be unthinkable if the fertile soil of the Island were not permitted to serve its most useful purpose. That is being done and its owners - trustees for future generations - are not mining the soil but are conserving it with the best known land use practices." (Omar ~~the~~ Spencer, Story of Sayvie's Island, 1951). 2nd: "I had

Sincerely,

Rich Ford  
Rich Ford  
 (Rich ~~Kristin~~ Ford)  
 14940 NW Gilligan Rd  
 (name and address)  
 Portland OR 97231  
 503-621-3908

not expected an Island so pastoral and unspoiled near a city of half a million. It's one more thing that sets Portland apart". (Ruth Reichl, Gourmet magazine, Jan 2002.) Projects like the proposed Bybee-Howell Park do not inspire confidence that, in 25 years, such ~~type~~ writings will be relevant. Please consider the impact of the proposal. Thank you -

EXHIBIT

1 Q15

RECEIVED  
JAN 23 2002

MULTNOMAH COUNTY  
PLANNING DIVISION



**METRO**

January 23, 2002

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne, Suite 600  
Portland, OR 97214

**Subject: Testimony for the record regarding Howell Territorial Park  
Conditional Use Application**

Dear Chair Linn:

We have heard the testimony and concern expressed by Sauvie Island residents at the January 15th hearing and understand the pressures the island faces. It is this very context that the Howell Territorial Park Master Plan acknowledged when it set out to define an appropriate vision for the park's future.

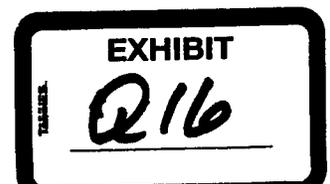
The proposal we have set forth in our application reflects the master plan's overriding goal to achieve a balance that provides for public use at a scale and in a character that is appropriate while also realizing the park's potential to orient island visitors and interpret the island's natural and cultural history. We believe the submitted record gives substance to this claim and your planning staff concurs. Nonetheless, it is in our interest to work with Sauvie Island residents who are primary stakeholders on the island and, more importantly, our neighbors. It was in that spirit of good faith that we proposed and pursued facilitated negotiations and we were prepared to come to the table willing to offer further amendments to our proposal. We are disappointed that this constructive dialogue did not proceed.

Despite this setback, we remain committed to seeking a balance between the public's ability to access and enjoy Howell Territorial Park and the island's ability to accommodate ever-growing numbers of visitors. Toward this end, we are offering two additional concessions which would have been considered if the dispute resolution process had been pursued. Specifically, we are proposing to:

1. Remove the proposed large picnic shelter (120 person capacity) thus reducing the overall group facilities capacity by nearly 50%.

AND

2. Further reduce the limit on special events (other than "Wintering In") from two to one – again, a 50% reduction.



This proposal is intended to further reduce and minimize the perceived (although unsubstantiated) impacts on agricultural operations, emergency services and island traffic.

The remaining components of the Conditional Use Application (2 small picnic shelters, graveled parking for 27 vehicles, accessible trails, restroom and interpretive signage) represent what we believe is the lowest level of development necessary to allow even modest public use of Howell Territorial Park on a year-round basis.

Please be advised that this proposal is being provided to island representatives concurrent with its submission to you thereby allowing time for their review and comment prior to closing of the official record.

We appreciate your serious consideration of our continued efforts to find common ground and we look forward to your final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Ciecko", written in a cursive style.

Charles Ciecko, Director  
Metro Regional Parks & Greenspaces

cc: Commissioner Lisa Naito  
Commissioner Serena Cruz  
Commissioner Lonnie Roberts  
Commissioner Maria Rojo de Steffey  
Derrick Tokos, Multnomah County Planning Department  
Daniel Kearns, Attorney  
Julie Cleveland, Sauvie Island Gazette  
Lora Creswick, Sauvie Island Boosters  
Mike Burton, Metro Executive Officer

## TOKOS Derrick I

---

**From:** Cleaveland Julie L. [juliecleland@columbia-center.org]  
**Sent:** Friday, January 25, 2002 7:23 AM  
**To:** derrick.i.tokos@co.multnomah.or.us  
**Subject:** FW: Please forward this testimony

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----  
From: "st@teleport.com" <st@teleport.com>  
To: "juliecleland@columbia-center.org"  
<juliecleland@columbia-center.org>  
Subject: Please forward this testimony  
Date: Fri, Jan 25, 2002, 3:13 AM

Hi Julie,  
I sure hope you get this. I sent it to Derrick Tokos, or whatever his name is, and it came back to me. I probably spelled it wrong. Please forward this on to him as my bit in the battle. Thanks so much Julie.  
Sheilah Toomey

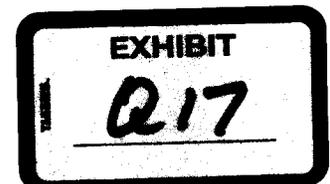
Date: Jan. 25, 2002  
To: Multnomah County Commissioners  
Re: Testimony regarding Howell Territorial Park

Once again, I respectfully ask you to think "out of the box" about the long-term effect of your vote allowing Metro's proposed changes to take place at Howell Territorial Park on Sauvie Island.

I believe your "in the box" thinking is well-meaning. As the stewards of county lands, you may see the territorial site's potential as a unique playground, and I realize that is part of your responsibility to the people you serve.

I am a resident of Sauvie Island, living this year in South Korea; working as an English teacher in Daegu City. I will return to my home and job in Portland at the end of this year. The city around me today in Korea has twice the population of the Portland metro area, but covers the same or less land. There are more people, commercial activities and auto traffic than I've seen in my life!

Last Sunday I visited a famous site about ten miles from the city - a statue of Buddha carved into rock on the peak of a 3,200-ft. mountain. To reach this much venerated place, one must take a 1.5 mile trek up steep, uneven stone steps. I reached the 108-ft. high "Gatbawi" Buddha only to find it sharing the splended mountain top with a large (about 1400 sq. ft) tent where people come to place lighted candles, and a smaller souvenir sales building to one side. There were at least 100 people there at the time, praying, bowing and laying face down on small pads placed in rows on the open-air platform built to hold the visitors. The purity and power of the sight of this image of a holy icon was almost entirely lost behind the structures put there to better accommodate visitors.



The simple pastoral quality of Howell Territorial Park isn't only what I want to protect from a similar mistake. Because of the park's mostly untouched landscape, it is easy for the visitor who comes there today to understand Oregon's white settlement history, to actually "feel" it as they stand under one of the old trees that shade the back yard of the Howell house - trees that surely shaded the Bybee and Howell families. Today there is silence, the view is undisturbed by more structures to accommodate more visitors, the shy Sandhill Cranes and Great Blue Herons can be seen by patient, but very quiet visitors. It's a simple place for a good reason: the preservation of the atmosphere of another time. It is a natural museum of a venerated time in Oregon's history.

I urge you to consider this point of view and to protect those unique elements at Howell Territorial Park.

Sheilah Toomey  
17697 NW Sauvie Island Rd  
Portland OR 97231

---

mail2web - Check your email from the web at  
<http://mail2web.com/> .



**Donna Matrazzo**  
Scripts and Concepts

19300 Sauvie Island Rd.  
Sauvie Island  
Portland, OR 97231  
(503) 621-3049

25 January 2002

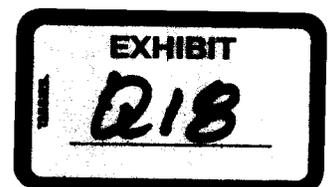
Multnomah County Commissioners  
c/o Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th  
Portland OR 97233

FAX (503) 988-3389

Dear Derrick,

I am resubmitting this letter/testimony to the County Commissioners because when I spoke with Heather Kent a while ago, she said there wasn't anything from me in the record.

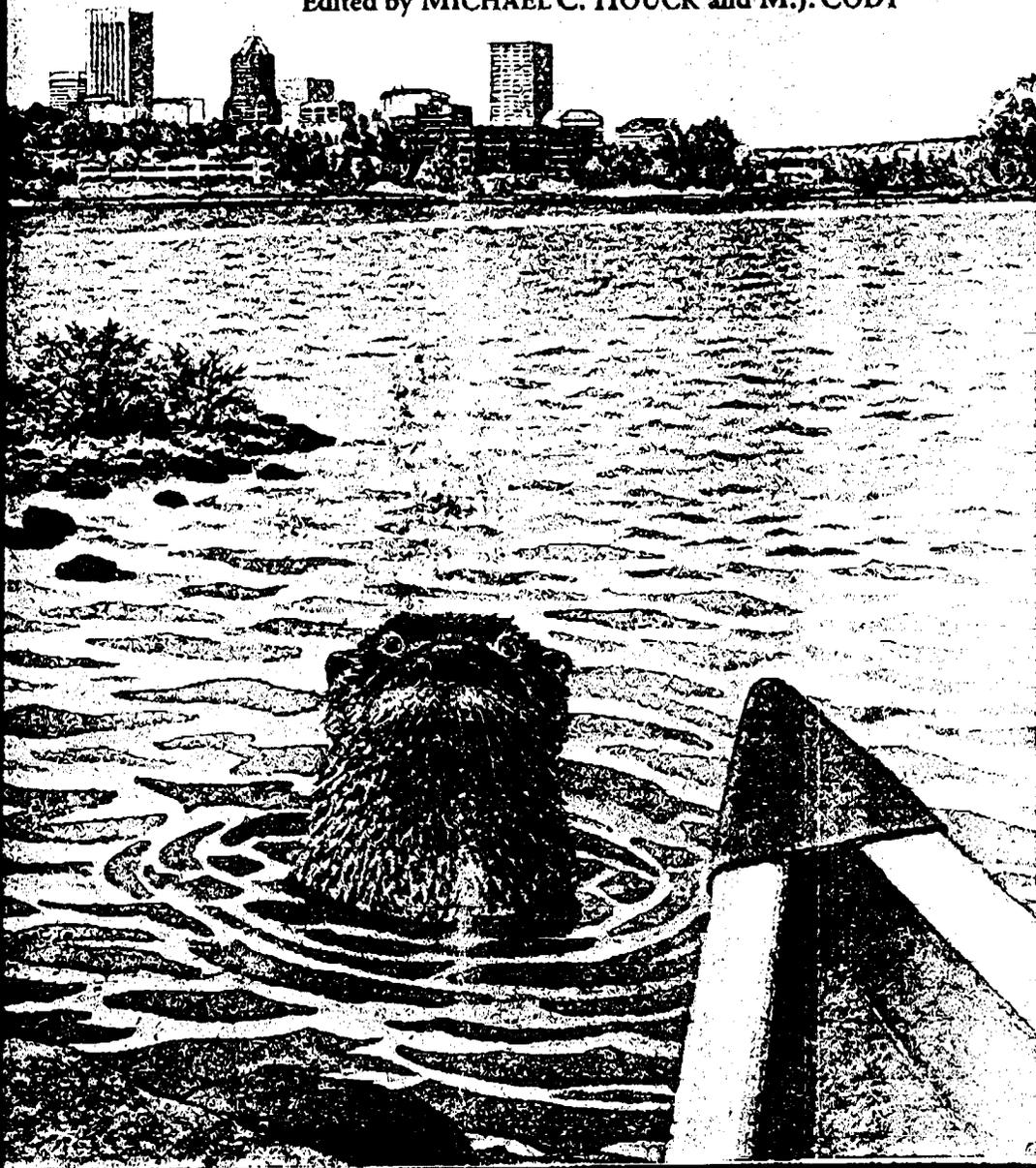
Sincerely,



# Wild in the City

*A guide to Portland's natural areas*

Edited by MICHAEL C. HOUCK and M.J. CODY



**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**

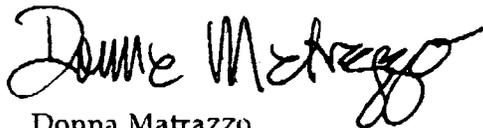
I do, however, support Metro's proposal to have an interpretive trail and interpretive signs, to teach people about the site, and I understand that the small parking area with pavers is necessary for handicap access. Restrooms are also a good idea.

**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*



**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.

## Howell Territorial Park and Howell Lake

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 327.*

*By Donna Matrizzo*

**For more information:** Howell Territorial Park or Metro Regional Parks and Greenspaces, see Resources.

### 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

## Bald is 1

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the bald eagle i

MULTNOMAH COUNTY  
PLANNING SECTION

Julie Cleveland  
27448 NW St Helens Rd #300  
Scappoose, OR 97056

January 28, 2002

Multnomah County Board of Commissioners  
501 SE Hawthorne  
Portland, OR 97214

Dear Commissioners:

At the January 15th hearing concerning Howell Territorial Park, Chair Linn asked Metro if the park will be for the local community. This is required by the 1999 version ORS 215.283(2)(d) which was in effect at the time Metro's application was made.

I would like to submit the following excerpts from Metro's State Parks grant application which was submitted in 2000. Metro was successful in obtaining funding from Oregon State Parks to develop Howell Park.

The size and scope of development is just not legally allowed on high value farmlands.

#### **GRANT EXCERPTS**

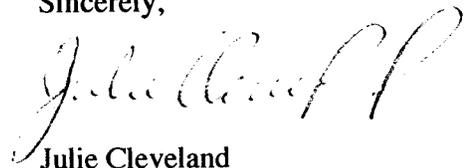
**Recreation Needs-** There is a great need and demand for group picnic facilities in the Portland Metro region. At Blue Lake Park alone, counts taken from the last three years show that an average of 90,000 people per year, that desire to reserve a picnic shelter, are turned away due to lack of availability. The demand for group picnic facilities exceeds availability for other recreation suppliers in the region as well.

**7. Source of Funding -** 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.

**13. Timeliness -** Grant funding will leverage the public's investment in this park facility to meet the recreational demands of a growing region.

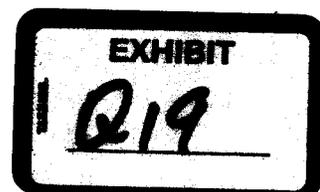
**Expected use of the property -** The proposed facilities will invite and accommodate greater park usage by providing a venue for group picnicking and gatherings at the park which are very much needed in the metro area.

Sincerely,



Julie Cleveland

Attachments



**GRANT APPLICATION  
LOCAL GOVERNMENT GRANT PROGRAM**

<b>1. PROJECT SPONSOR INFORMATION</b>	
Project Name: <b>Howell Territorial Park</b>	Project Sponsor: <b>Metro Parks &amp; Greenspaces</b>
Contact Person Name: <b>Lora Price</b>	
Address: <b>600 NE Grand Ave. Portland, OR 97232-2736</b>	
Telephone No.: <b>503-797-1850</b>	Fax No.: <b>503-797-1849</b>

<b>2. PROJECT TYPE AND GRANT REQUEST</b>	
Type of Project: <input type="checkbox"/> Acquisition <input checked="" type="checkbox"/> Development <input type="checkbox"/> Rehabilitation	
Type of Applicant: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Park & Rec District <input type="checkbox"/> Port <input checked="" type="checkbox"/> METRO	
Small Project Grant Request \$ <u>  N/A  </u>	Large Project Grant Request \$ _____

<b>3. PROJECT DESCRIPTION</b>
<p>Metro is proposing to implement a first phase of the Master Plan which was approved in 1997, for Howell Territorial Park, located on Sauvie Island. The goals of the plan are to upgrade existing facilities and to provide new educational and recreational facilities that are compatible with the character of Howell Territorial Park and its natural and cultural resources.</p> <p>Proposed phase 1 improvements include the following facilities: entrance booth, all-weather parking lot, three group picnic shelters, restroom, pathway connecting facilities, lighting, water and septic utilities, and orientation and interpretive signage.</p>

<b>4. PROJECT SITE/LOCATION:</b>	
Site Name: <b>Howell Territorial Park</b>	Size of Property: <b>101.5 acres</b>
Owner: <b>Metro</b>	
Site Description: All but a small portion of the park lies in former floodplain, which is now separated from Multnomah Channel by a dike. As a result, soils are rich, sandy and silty loams. Wetland and riparian vegetation surround Howell Lake and a smaller emergent wetland on the property. Native oaks occupy the upland. Existing park features include the historic house and grounds, a barn, individual picnic tables, signage, and fencing around Howell Lake.	
City/Town:	County: <b>Multnomah County</b>

<b>DRIVING INSTRUCTIONS:</b>
Take I-5 north to Hwy 30 west. Turn right onto Sauvie island Bridge. Take a left on Sauvie Island Road. Go approximately 1/2 mile and take a right on Howell Park Road.

**5. PROGRAM NARRATIVE** - In the space provided, describe all elements of the project and the need for assistance, project objectives, facilities to be constructed, existing facilities which are to be renovated, removed or demolished, describe who will do the work and who will provide supervision, historical site use, community involvement, problems or desires which led to project being selected, describe how the project relates to current and future public recreation needs, expected results and benefits, describe any unusual or unique features of the project such as innovative design, conservation, unusual site conditions etc., describe the topography of the site and present development on the site and how proposal fits in with future development, and the anticipated start and end dates of the project. See Section 2.1.A in Grants Manual.

Metro Parks and Greenspaces is proposing to implement a first phase of the Master Plan for Howell Territorial Park, located on Sauvie Island. The Master Plan, which included an extensive public involvement process, was approved and adopted in April 1997. The goals of the master plan are to upgrade existing facilities, and to provide new educational and recreational facilities and opportunities that are compatible with the character of Howell Park and its natural and cultural resources.

**What and how improvements will be constructed.** Proposed phase 1 improvements include the following facilities: entrance booth, all-season parking lot, ADA access for the historic Bybee-Howell House, three group picnic shelters, restroom, a paved ADA pathway connecting facilities, interpretive signage, and associated lighting, water and septic utilities. These improvements will be primarily executed through a professional contract with supervision by Metro park staff. However, portions of the work will be implemented by Metro staff and through volunteer partnerships in order to maximize cost efficiencies and take advantage of educational opportunities.

**Need for assistance-** Metro has an exceptional need for this grant for the following reasons:

- Our available funding for this project is inadequate to cover phase 1 improvements, which are largely, necessary basic infrastructure improvements.
- Metro Council is challenged with a backlog of funding needs for capital improvements at Metro Parks with no immediate funding source.
- This grant will help put infrastructure in place that will allow implementation of subsequent phases of the master plan, which will provide greater educational and interpretive opportunities. These include an outdoor kitchen and garden in association with the historic house, and a loop trail to the wetland with a wildlife viewing blind.
- As described by the SCORP Reports (1993 & 1999), the Portland metropolitan region is in greatest need of recreational facility development statewide and the proposed facility improvements at Howell will provide for those recreation activities that are in highest demand; e.g. picnicking, trail use, nature observation, historical exhibits and outdoor cultural events.

**Expected use of property-** The proposed facilities for Howell Park, first and foremost, will better accommodate existing visitors and uses at the park and will extend the use of the park beyond the summer season, while better managing potential impacts to the resource. The proposed facilities will invite and accommodate greater park usage by providing a venue for group picnicking and gatherings at the park which are very much needed in the metro area. The improved facilities will also open up opportunities for Metro and its partner, the Oregon Historical Society, to expand educational and interpretive programs at the park.

**Interim use-** Existing or interim use of Howell Park has been very limited. Park use is almost exclusively limited to the summer season due to lack of facilities. Some informal picnicking takes place at the site. Oregon Historical Society opens the house for tours on weekends from June - August. On occasion, groups reserve the park for private functions (such as weddings or company picnics) on average 4-5 times per year. Finally, the Wintering-In Festival, sponsored by OHS, is held annually.

## 5. PROGRAM NARRATIVE (CONTINUED)

**Unique features of the project-** Howell Territorial Park contains both natural and historically unique features. Howell Lake, and the adjacent emergent wetland and oak upland are home to over two hundred species of mammals, birds and amphibians as well as an important destination for thousands of migratory water fowl on the Pacific Flyway. The Bybee-Howell House, listed on the National Register of Historic Places, was built by James Bybee, an original homesteader and first county commissioner. It is the oldest intact structure on the island. The unique features of this site provide wonderful opportunities to share Oregon's natural history and cultural heritage with visitors.

**Needs, problems, desires, and community involvement which led to project-** While Howell Territorial Park has unique historical and natural resources, it currently lacks adequate public facilities, programs and staff to attract and accommodate visitors. Basic support facilities like parking lot, restrooms and pathways are also needed to minimize impacts to the resources. The limited programming that Metro has offered at the site is very well attended which indicates a desire and demand for more. (See #11 for more detail)

**Relationship to current and future public recreation needs; benefits of the project –** (See #11)

**Who will do the work and when will it begin and be completed, any donations-** Implementation of the improvements will primarily be carried out by a contractor to ensure quality and timeliness. However, aspects of the work will be carried out by staff and volunteer partnerships. These will include site preparation by inmate labor, planting of native shrubs and trees by Open Meadow Learning Center and Friends of Trees, and stone work on the shelters by the Bricklayers Apprentice Program. These partners will provide a significant opportunity to leverage limited capital funds.

**Proposed start and end dates for improvements-** Construction of improvements is anticipated to begin September 2000, contingent upon receiving land use permits from Multnomah County. A Conditional Use permit application was submitted on January 27<sup>th</sup>, 2000 and a public hearing is scheduled for May 17, 2000. Improvements are expected to be complete by September 2001.

**How does this proposal fit in with future projects on the site-** The proposed phase one improvements are the first improvements at Howell Park to make it fully accessible and accommodating to the public. These improvements will open the door to subsequent phases of improvements which focus on expanding interpretive opportunities, many of which are not costly to implement but will provide great benefits to visitors. The next phase of master plan implementation will include a trail with interpretive signage and viewing blind at the wetlands, and a summer kitchen and garden to be interpreted in association with the house.

**6. ENVIRONMENTAL ASSESSMENT** - Describe the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact-causing activities, and any adverse or beneficial environmental impacts resulting from the project. Describe the site (i.e. land use of site and surrounding area, fish and wildlife, vegetation, geology and soils, mineral resources, air and water quality, water resources/hydrology, historic/archaeological resources, transportation/access, and consumption of energy resources, and overhead utilities). Is the project site located in a floodplain or wetland? Are there any threatened or endangered species on the site? Attach any comments received from State Natural Resource Agencies and a list of other persons consulted. See Section 2.1.B in Grants Manual.

**The proposed action, need, and what it will accomplish-** The proposed improvements for Howell Territorial park are designed to provide support facilities that will better accommodate existing uses of the park and provide new facilities that will enhance recreation opportunities and meet recreation needs of the region. These improvements include: an all-weather parking lot, year round accessible restroom, group picnic shelters, ADA accessible pathway, ADA ramp to historic house porch, and interpretive signs. By providing these facilities to accommodate picnicking and strolling activities and associated parking and restroom needs of the public, impacts to the land should be reduced.

**Alternatives to proposed action-** Several alternatives to the proposed action were considered and explored. Alternative options such as, a larger parking lot, trail around the lake, trail and viewing blind location closer to the lake, active recreation components and automatic irrigation for turf, were all rejected in the interest of minimizing visual and environmental impacts. The proposed action was favored over lesser actions because the proposed facilities best support the mission of Metro and Oregon Historical Society, to satisfy recreation needs of the region, satisfy ADA access needs, and reduce impacts from already existing activities on site.

**Environmental impacts of proposed action-**

Issues	Positive Impacts	Negative Impacts
Land Use	The proposed uses maintain the rural landscape setting and scenic values, which are most highly valued by citizen survey respondents. Improvements will provide another public destination that will help accommodate the heavy number of visitors to the island.	An increase in visitors to the site will change its current character of under-utilization. Those visitors that have enjoyed the park as-is may be disappointed in the change. Two residences adjacent to the park may notice more activity in the park.
Fish and Wildlife	The location and level of proposed improvements are premised on first preserving the fish and wildlife habitat. No developments encroach upon the wetland and its buffer area. By establishing pathways, public use will be more defined and directed thereby minimizing impacts to habitat areas. Habitat in the park is protected from hunting unlike other habitat areas on the island.	There is a potential that some species of wildlife will recede from Howell Lake habitat and vicinity with more regular visitation to the park by visitors.
Vegetation	By establishing a defined parking area, encroachment into the wetland will be prevented. Proposed development is located to preserve existing native vegetation and all trees with exception of 6 trees within the fir grove (which requires thinning).	Six trees will be removed to accommodate one of the picnic shelters in the fir grove. (These trees were planted as a "Christmas tree farm" by a volunteer group 16 years ago and now benefit from selective removal).
Geology and Soils	The proposal intentionally limits impermeable surfaces by limiting the all-weather parking area to 27 parking spaces and maintains the majority of open field for overflow parking. In addition, the parking lot will be constructed with a permeable gravel surfacing to further reduce sheet flow of storm runoff.	Soils will be disturbed during construction, however, disturbance will be mitigated by following an erosion control plan. Compaction of the field overflow area could become a problem over time. If this occurs park staff will aerate similar to turf management practices at Blue Lake Park.
Air and Water Quality	Bicycle parking will be provided which will encourage alternative modes of transit thereby reducing emissions. By providing a destination for visitors to the island which is just one half mile from the bridge, auto impacts to the rest of the island may be reduced.	Improvements will bring additional cars to the park.

## 6. ENVIRONMENTAL ASSESSMENT (CONTINUED)

**Site Description-** Howell Territorial Park is located on the former flood plain land of Sauvie Island. Its topography is soils are comprised of Sauvie Island silt loam, Burlington fine sandy loam and Moag silt clay loam. The 101 acres of the park contain Howell Lake, shrub/scrub and emergent wetlands, and oak uplands and their associated vegetation communities. The park provides habitat to over two hundred species of animals as well as migratory waterfowl. No threatened or endangered species have been observed residing on the property, although bald eagles have been observed at the site. The grounds around the historic house and barn contain an apple orchard plus an array of ornamental trees, shrubs and perennials.

### **Natural resource agencies and other people consulted-**

Oregon Department of Fish and Wildlife – Terry Dufour, Sauvie Island Wildlife Manager, served on the Advisory Committee for the Master Plan. His technical input helped shape habitat management goals and establish appropriate level of visitor facilities.

Division of State Lands – Wetland delineation approved

Water Resources Department – The department has advised us of the process we will undergo to convert the well to public use from private use.

Department of Environmental Quality – Philip Crawford, City of Portland Sanitarian, has inspected soils and approved location to accommodate septic drainfield for proposed restrooms.

Multnomah County Land Use Planning – Review of proposed project for land use compliance.

Kittleson & Associates - Traffic analysis and study.

Shapiro and Associates – Wetland Delineation

Wildlife Dynamics, Inc. – Natural resource inventory.

**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.

**8. FUNDING REQUEST/SOURCE OF FUNDING WORKSHEET**

A. Local Government Grant Funding Request

\$ 242,141

B. Sponsor Match ( the minimum match is 50% except for cities/districts with a population of less than 5,000 and counties with a population of less than 30,000, the matching requirement is 40 percent.)

Appropriation/Cash	\$ <u>635,237</u>
Cash Donations	\$ _____
Donated Equipment	\$ _____
Donated Labor	\$ <u>31,521</u>
Donated Land	\$ _____
Donated Materials	\$ <u>3,623</u>
Donated Property Interests	\$ _____
*Federal Grant (Name: _____)	\$ _____
Force Account - Equipment	\$ _____
Force Account - Labor	\$ _____
Force Account - Materials	\$ _____
*Grant - Other (Name: <u>Lewis &amp; Clark Trail Coalition</u> )	\$ <u>25,000</u>
*State Grant (Name: _____)	\$ _____
Penal Labor	\$ <u>2,000</u>
State Revenue Sharing	\$ _____

B. TOTAL FOR SPONSOR

\$ 697,381

C. Total Project Costs (A + B = C) Total Project Cost is the grant request plus the sponsor match.

\$ 939,522

**\*Other Grant Funding**

Name of Grant: Lewis & Clark Trail Coalition

Agency: Oregon Trail Coordinating Council

Type of Grant:

Status of Grant Request:  Approved  Pending

**\*Other Grant Funding**

Name of Grant:

Agency:

Type of Grant:

Status of Grant Request:

Project sponsor match must be available at the time application is submitted.

<b>9. SUMMARY OF DEVELOPMENT/REHABILITATION PROJECT ELEMENTS AND COSTS</b>		
<b>I. Professional Services</b>		<b>\$ 117,042</b>
<b>A. Pre-agreement Costs</b>		
1.	\$	
2.	\$	
<b>B. Construction Plans/Specs</b>		
1. By Local Government Personnel	\$	
2. By Contract or Consultant	<b>\$ 117,042</b>	
<b>II. Land Acquisition</b>		<b>\$</b>
<b>A. Acres by Donation</b>	\$	
<b>B. Acres by Purchase</b>	\$	
<b>C. Appraisals &amp; Boundary Survey</b>	\$	
<b>III. CONSTRUCTION</b>		<b>\$ 822,480</b>
<b>A. Site Preparation</b>	<b>\$ 27,625</b>	
<b>B. Utilities</b>	\$	
1. Water	<b>\$ 25,598</b>	
2. Electric	<b>\$ 40,162</b>	
3. Sanitary Sewer	<b>\$ 35,735</b>	
<b>C. Roads System</b>	\$	
1. Roads	\$	
2. Parking	<b>\$ 59,268</b>	
<b>D. Buildings</b>	\$	
1. Bathhouse/concession/restroom	<b>\$ 13,065</b>	
2. Restroom	<b>\$ 76,800</b>	
<b>E. Recreational Facilities</b>	\$	
1. Picnic Tables and Grills	<b>\$ 19,627</b>	
2. Unlighted baseball/softball field	\$	
3. Hike and Bike Trails	<b>\$ 55,653</b>	
4. Picnic Shelter/Pavilion	<b>\$ 354,817</b>	
5. Playground Equipment	\$	
<b>F. Miscellaneous</b>	\$	
1. Landscaping and irrigation	<b>\$ 114,130</b>	
2. Bleachers	\$	
<b>TOTAL PROJECT COSTS</b>		<b>\$ 939,522</b>
<b>MATCHING FUNDS REQUESTED</b>		<b>\$ 242,141</b>

**11. LOCAL RECREATION NEEDS/BENEFITS AND PLANNING** - Describe and explain the needs and benefits of the proposed project. Describe any social, economic or other benefits resulting from the project. Is this project identified in local park master plans, local comprehensive plans, and/or watershed, basin-wide or statewide eco-regional restoration, or SCORP and how it meets the needs identified in these planning documents. What local or regional need does it meet and who the primary users of the project will be. Describe any planning and public involvement efforts that led to the selection of the project, including citizen involvement through public workshops and public hearings; park board and local citizen advisory committees in the development of local park plans.

**Recreation Needs** - There is a great need and demand for group picnic facilities in the Portland Metro region. At Blue Lake Park alone, counts taken from the last three years show that an average of 90,000 people per year, that desire to reserve a picnic shelter, are turned away due to lack of availability. The demand for group picnic facilities exceeds availability for other recreation suppliers in the region as well. Over a million visitors are drawn to Sauvie Island because of its rural, pastoral setting. Island residents are very sensitive to the traffic impacts from visitors on the island. The improvements at Howell Park, located within a half mile of Sauvie Island Bridge, will help accommodate island visitors by providing a destination on the island that provides recreation and support facilities.

The 1988-1993 Statewide Comprehensive Outdoor Recreation Plan (SCORP pg. 57) reports a significant disparity between the supply and demand of recreational facilities located in natural settings in the metropolitan tri-county area, particularly those that accommodate nature study, group picnicking, hiking, and camping.

In addition, the 1994-1999 Oregon Outdoor Recreation Plan found that all of the growth in the state has occurred in metropolitan areas. With increasing urbanization and the demographic changes that have come about, community based recreation (that occurring within 30 minutes drive from home) is likely to grow in importance. The survey indicates (pg. 111-7) that park walking (59.1%), picnicking (49.6%), trail use (43.5%) and nature observation (39%) were the most popular outdoor community activities participated in. Furthermore, the most "desired" activities were outdoor cultural events (36.3%), followed by botanical, scenic or historical exhibits (36.2%) and nature/wildlife observation (30.9%). The proposed improvements for Howell Park will provide for all of the above activities most enjoyed and desired by the public, which makes it relatively unique within the metro region for the cultural, historical and natural resource based recreation opportunities it can offer.

**Benefits** - Enhancements of facilities and programs at Howell Territorial Park will provide social, environmental and economic benefits to the community. The new facilities provide the opportunity for families and groups to come together in a unique pastoral setting for picnicking, walking, nature and wildlife observation, historical interpretation, or outdoor cultural events. Improvements will alleviate environmental impacts to the rest of Sauvie Island while better accommodating existing activities at the park. Through attendance fees obtained, visitors to the park will enable an increase in interpretive programs offered and an increased management presence on site to ensure the protection of the resource.

**Planning** - Public support of this project was obtained through a Master Plan process, which was completed and adopted in 1997. The master plan represents a balance of citizens' desires to provide for recreation and educational needs, while ensuring the protection of the natural resources and compatibility with the rural character of the island. Over the 18 month planning process, public involvement efforts included;

- Dialogues with Sauvie Island residents, including Howell family descendents
- Two public workshops to invite input
- Distribution of a user survey
- Establishment of a Project Advisory Committee which met monthly
- Presentation of Master Plan concepts to Oregon Historical Society Board
- Distribution of Draft Master Plan to public and agencies review, and
- Presentation of the Draft Master Plan to Metro's Greenspaces Advisory Committee (a committee of citizens from throughout the region), Regional Facilities Committee and Metro Council
- Several articles were published in the local newspaper.

**12. PARTNERSHIPS/PUBLIC SUPPORT** - Describe your involvement with partnerships from other agencies, groups or individuals and whether or not funding support is being provided from these agencies or groups. Describe local support for the project through local agency involvement, agency support and public participation in the formulation of the project through public meetings, public workshops or other methods to gather citizen input, support and involvement for the project.

The Oregon Historical Society has been a partner with Metro (formerly Multnomah County) at Howell Territorial Park, for over 30 years. The society has been instrumental in restoring and preserving the Bybee-Howell house, and building the barn museum to facilitate management and interpretation of the historic resources. OHS operates the historic Bybee-Howell House and barn museum, providing tours during the summer. They also sponsor the annual Wintering In festival, which is enjoyed by 5000 visitors.

Over the years, Howell Park has also benefited from numerous volunteer and student organization's efforts to enhance its resources. The American Institute of Designers led OHS volunteers in the house restoration. The Oregon Archaeology Society volunteered their expertise to locate historic structures on the site. The Portland Garden Club, Native Plant Society and Oregon Horticultural society have contributed to the gardens around the house. The Home Orchard Society researched and planted fruit trees from historic rootstock. Students from Green City Data Program conducted plant inventories, and EnviroCorps members designed a wetland plan for Howell Lake. The Sauvie Island Conservancy aided in the planting of the 1992 wetlands enhancement project around Howell Lake. They were very involved in the master plan process and continue to use the site for environmental education. Partnerships with educational and service groups will continue as we move into the implementation phase of this project. Inmate crews will perform blackberry removal in preparation for site work. The Bricklayers Apprentice Program will install stone facing on the picnic shelters. Open Meadow Learning Center and Friends of Trees will be involved in the design and planting of native plants.

These activities in addition to the community involvement in the master planning process for Howell Territorial Park demonstrate the public's affection for this site and support for the master plan vision.

**13. TIMELINESS** - Is there an immediate need or threat of facility closure because of non-compliance with state and federal laws. Describe any actions under consideration that could result in a lost opportunity or facility becoming unavailable for public use. Is there a threat to losing the available local match or the ability of local project sponsor not being able to complete the project within 2 years?

Currently Howell Territorial Park does not meet the Americans with Disabilities Act requirements in several areas: parking, restroom access, paths and access to the house. This project will meet the letter and spirit of the ADA and provide greater ease and enjoyment to all public visitors to the park.

Metro has secured funding for only a portion of phase one development at Howell Territorial Park through the Open Spaces, Parks and Streams bond measure, other grants and in-kind contributions from project partners. The additional opportunity this grant would provide is to allow completion of the entire first phase of development - which could also result in significant cost savings to the project. All facilities in this project use the same architectural design. Including all three shelters in the bid package will result in a significant savings in overall construction costs, and help meet a well-documented demand for increased availability of reservable covered picnic areas in the region.

The local matching funds for this grant come from the dedicated Open Spaces, Parks and Streams bond measure passed by voters in 1995. Improvements at Howell Territorial Park were identified to receive a portion of these bond funds through this "local share" program. Currently Metro has a contract with all local share participants to expend bond funds by December 2000, with an option to extend one additional year to December 2001. Although Metro is responsible for administering this funding, we have an obligation to hold all projects to the same high standard and therefore are required to expend these funds by the December 2001 deadline or face the possibility of loosing these funds.

Metro is poised to begin construction at Howell Territorial Park within months of the grant being awarded. Grant funding will leverage the public's investment in this park facility to meet the recreational demands of a growing region.

**14. ACCESSIBILITY FOR PEOPLE WITH DISABILITIES** - Answer the following questions about accessibility for people with disabilities.

Does your agency have an ADA Compliance Plan?

**Yes**

What is the topography of the project site (flat, hilly, rough, uneven, etc.)?

**As a former floodplain, the project site is essentially flat with average grades of 3-5%.**

What is the surface of existing or proposed parking areas? How many parking spaces are (or will be) allocated for people with disabilities?

**The proposed parking surface will be a wheelchair accessible product called Gravelpave2 which stabilizes gravel and supports tire pressure. Two permanent parking spaces will be allocated for people with disabilities and on occasions during special events when overflow parking is used, more spaces will be allocated.**

What is the slope and surface of any roads or trails that will be used as accessibility routes to various parts of the park?

**The proposed loop trail which provides access to all of the facilities in the park will be constructed with decomposed granite, a wheelchair accessible surface. Grades will be under 5% for the total length of the trail.**

Do existing areas and facilities within your parks system meet ADA Guidelines for Recreation Facilities?

**Existing facilities elsewhere in our park system meet ADA guidelines. However, there are no facilities at Howell Territorial Park that currently meet ADA guidelines for recreation facilities.**

How will your proposed development or rehabilitation projects be made accessible?

**The proposed development will provide an accessible parking lot, path system, restroom, picnic shelters and ADA accessible access to the historic Bybee-Howell House.**

How does your agency address special accessibility concerns/needs for people with sight or hearing impaired disabilities?

**Upon request, interpreters are provided for people with hearing impaired disabilities. Also, naturalist staff adapt their programs for people with sight or hearing disabilities.**

Does your agency have the latest Americans with Disabilities Act Accessibility Guidelines: Recreation Facilities? **Yes**

For further information contact: Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F street, NW, Suite 1000, Washington, DC 2004-1111. Telephone number (202) 272-5434 extension 34 (Voice); (202) 272-5499 (TTY).

The Architectural and Transportation Barriers Compliance Board (Access Board) is in the process of amending the Americans with Disabilities Act Accessibility Guidelines (ADAAG) by adding a new special application section for newly constructed and altered recreation facilities that are not adequately address by the existing guidelines.

**15. REQUIRED PERMITS: ACQUISITION & DEVELOPMENT PROJECTS** - List potential permits and status of permit applications that are required for proposed project (i.e. Corps of Engineers, Division of State Lands, Building Permits, etc.)

Type of Permit	Status of Permit
<b>Conditional Use - Multnomah County</b>	public hearing scheduled for May 17, 2000
<b>Design Review - Multnomah County</b>	75% complete, to be submitted
<b>Grading and Drainage - Multnomah County</b>	75% complete, to be submitted
<b>Building Permits - City of Portland</b>	to be submitted at 100% completion of construction documents

**16. APPLICATION SIGNATURE**

As an authorized representative of Metro, I certify that the applicant agrees that as a condition of receiving Local Government Grant Program assistance, it will comply with all applicable local, state and federal laws. This application has been prepared with full knowledge of and in compliance with the Oregon Administrative Rules Chapter 736, Division 6, for the Distribution of State Funding Assistance to Units of Local Government for Public Parks and Recreation and OPRD's Procedures Manual for the program. I also certify that to my best knowledge, information contained in this Application is true and correct. I will cooperate with OPRD by furnishing any additional information that may be requested in order to execute a State/Local Agreement, should the project receive funding assistance.

Project Name: Howell Territorial Park - phase 1 improvements

Project Contact Person: Lora Price Associate Regional Planner  
Name Title

(503) 797-1846  
Telephone Number

(503) 797-1849  
Fax Number

Authorized Representative

  
Signature

4/28/2000  
Date

**TOKOS Derrick I**

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**From:** Cleaveland Julie L. [juliecleaveland@columbia-center.org]  
**Sent:** Monday, January 28, 2002 1:20 PM  
**To:** derrick.i.tokos@co.multnomah.or.us  
**Subject:** Howell Park Testimony

**Derrick: Please add this email to the record for Metro's Howell Park Application**

Julie Cleveland  
27448 NW St Helens Rd #300  
Scappoose, OR 97056

January 28, 2002

Multnomah County Board of Commissioners  
501 SE Hawthorne  
Portland, OR 97214

Dear Commissioners:

In reviewing Mr. Ciecko's letter to you dated January 23, 2002, I was struck by an egregious misrepresentation of facts in evidence. In the letter, Mr. Ciecko states:

*The remaining components of the Conditional Use Application (2 small picnic shelters, gravel parking for 27 vehicles, accessible trails, restroom and interpretive signage) represents what we believe is the lowest level of development necessary to allow even modest public use of Howell Territorial Park on a year-round basis.*

I am astonished that Mr. Ciecko would not fully disclose to the board the full scope of Metro's proposed development for Howell Territorial Park as described in the application.

Mr. Ciecko fails to mention that even with Metro's modest concessions, the proposed development would still include a catering kitchen, conference room, wedding facilities, gift shop and coffee shop. Please allow me to submit into the record, the remaining components of Metro's Conditional Use Application. You can find these components on page 840 of the Hearings Officer Report in your board packets.

- € All weather parking area for 27 vehicle two buses
- € Security gates
- € Park admissions toll booth
- € Separate access to barn and shelters
- € 4,200 linear feet of trails
- € Wildlife viewing blinds

1/28/02



- € Wedding Arbor
- € Construct replica of a detached kitchen
- € Construct ADA path to house porch
- € Make ADA improvements to barn
- € Create office in barn
- € Create multi-purpose room in barn to accommodate up to 100 people
- € Create catering kitchen
- € Expand/upgrade museum space
- € Remove on site finnish cabin
- € Construct two (60 person) capacity group picnic shelters for rentals
- € Construct two park restrooms
- € Renovate house cellar
- € Interpretive signage
- € Entry Kiosk
- € Maintenance buildings
- € Install irrigation system
- € Upgrade electric
- € Upgrade water/septic systems
- € Install pay phone
- € Gift Shop
- € Coffee Shop
- € Two annual special events
- € Dry weather turf parking for 530 vehicles
- € Landscaping

I would like to stress, I am not opposed Metro making facility improvements to Howell Territorial Park. I am opposed to any developments that increase visitor use on an overburdened farm community, and any development that strays from maintaining the rural and historic character of this homestead. I am opposed to this application before you simple because it lacks sufficient factual information to warrant approval and fails to meet state laws.

I am appalled by the apparent attempts of Metro to persuade the board that only modest facility improvements were the scope this application.

Sincerely,

Julie Cleveland

RECEIVED 2002

MULTNOMAH COUNTY  
PLANNING SECTION

Julie Cleveland  
27448 NW St Helens Rd #300  
Scappoose, OR 97056

January 28, 2002

Multnomah County Board of Commissioners  
501 SE Hawthorne  
Portland, OR 97214

Dear Commissioners:

I would like to express my heart felt support of Metro and wish them success in making improvements to Howell Territorial Park. It just can't be done with this application and with the proposed level of development. In this letter I will:

- Respond to Metro's concession letter of 1/23/02,
- Provide additional information to deny the application,
- **Provide solutions that will allow improvements at Howell Park and achieve Metro's goals in a way that will satisfy not only the criteria, but hopefully, Metro's opponents too.**

## INTRODUCTION

The problems with this application are:

- It does not provide sufficient factual information to support the criteria and does not meet all applicable state land use laws that were in effect at the time this application was made.
- It adds new uses that are not allowed on EFU lands and new developments that will increase traffic on the Island. The Island already is beyond its carrying capacity for what a rural collector road is designed to handle. The Island already sees negative impacts to farming practices due to visitors. Metro so aptly identifies visitor conflicts in its master plan narrative: *"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."*

Metro started off on the right foot with its Master Plan back in 1997. Metro proposed that Howell Park be the orientation center for Island visitors. In the master plan Metro identified visitor conflict occur and proposed to develop the park in a manner to help reduce those conflicts. I have not met anyone from Sauvie Island or West Multnomah County who does not want Metro to be a successful land steward and property owner on the Island. I have not met anyone who does not want Metro to make facility improvements at the park. I have not met anyone opposed to increase visitor use of the park by directing existing Island visitors there. I applaud Metro's Howell Park Master Plan goals to:

- 1) **Protect, preserve and enhance natural and cultural resources of Howell Territorial Park while maintaining its pastoral quality.**
- 2) **Provide recreational facilities and opportunities which are consistent with the character of Howell Territorial Park and compatible with its**



**natural and cultural resources.**

- 3) Provide educational opportunities which enhance visitor understanding and appreciation of Sauvie Island's natural and cultural history.**
- 4) Serve as an orientation center for Sauvie Island.**

These are terrific goals that can be reached - but not with the application before you. As Chair Linn stated at the beginning of the hearing on January, 15th, the task before the board is to determine if the application meets all applicable criteria.

The merits of wanting to improve a public park facility is a noble one. But the merits of wanting to improve Howell Park does not outweigh the need to meet the required state and county codes. And even with Metro's recent submission reducing the number of picnic shelters and special events, the fact remains, the application does not meet all applicable criteria.

It concerned me when one commissioner said she was inclined to just go with the planning staff recommendation. Please remember, planning staff deemed the application complete and recommended approval to the hearings officer, Liz Fancher. Ms. Fancher denied the application after reviewing the criteria and taking into consideration additional written and oral testimony that was not submitted prior to the planning staff decision. The de Novo process is identical. Planning staff is recommending approval based on the evidence provided to him by a certain date. But since his decision, additional evidence, both oral and written, has been entered into the record from both sides. Just like the hearings officer, the board must weigh this new testimony in their decision making.

#### **Metro Proposal Submitted 1/23/02 (highlights)**

- Metro proposes to eliminate the large group picnic shelter and keeping two group picnic shelter for rentals (1400 sq ft combined, plumbed with water, electricity and lights) and eliminate one special event a year (capped at 1000 participants).
- Metro states, "This proposal is intended to further reduce and minimize the perceived (although unsubstantiated) impacts on agricultural operations, emergency services and island traffic."
- "...we remain committed to seeking a balance between the public's ability to access and enjoy Howell Park and the island's ability to accommodate ever-growing numbers of visitors."

#### **RESPONSE TO PROPOSAL OF 1/23/02**

Reducing the number of shelters and events does not eliminate the need for Metro to do an adequate farm analysis and required traffic study. Metro needs both of these to address the hearings officer's concerns.

It is not our job to substantiate the impacts this application will have on farming practices, emergency service, or Island traffic. It is Metro who must shoulder the burden of proof. It is their application. Metro failed to meet the burden of proof by submitting:

- 1) an inadequate farm analysis that does not analyze all commercial and non-commercial farms that will be impacted by the proposed development,

- 2) a farm analysis that requests farmers change their transportation routes and farm activities when special event occur,
- 3) the farm analysis submitted by Metro was for commercial farms only. Metro failed to meet state and county codes requiring such an analysis include non-commercial farms,
- 4) a traffic study taken at the wrong time of year to support the application.

Metro acknowledges the Island's visitor population is ever-growing. Yet Metro's application lists visitor use projection of only 20,000 visitors annually. It would be a logical assumption that park visitor use will increase over time, especially since Metro acknowledges the Island visitor population is ever-growing. Will the intersection of Howell Park Rd and Sauvie Island Rd be adequate to serve the park 5 years from now? How about 10 years? What is the visitor use projections for the park in 10 years?

Metro fails to provide any analysis with their application to show how they came up with their visitor use projections. It seems logical that with over 1.5 million visitors a year to the Island, and with Metro's goal of being the "orientation center" for Island visitors, that even with a 50 percent reduction in picnic shelter capacity and special events - 20,000 annually is a low figure.

Visitor use data supplied by Metro in their application depicts more than 17,000 visitors currently use Howell Park (pg 52 of 54 in Hearings Officer Report). This is a dramatic difference from what Metro submitted during the appeal.

Please remember, Howell Park is located in a highly visible location. Once a parking lot is built in easy eyesight from the road, Howell Park, which currently looks more like a rural farm than a public park, will be noticed by visitors and will become a tourist destination. Especially in the summer months when tourism is high and farming activities are in full swing. Since Metro's traffic study was not taken during the peak visitor season of the park, Metro does not have the required data to adequately analyze the impacts the new park developments/improvements will have, or project visitor use.

### **ADDITIONAL INFORMATION TO DENY THE APPLICATION**

- **Master Plan Update Required by Metro Council** - Metro Council Resolution No. 97-2479 states Metro must update the Howell Park Master Plan if land is added to the park (Attachment 1). Metro is in the process of purchasing an adjoining 20-acre parcel. The property is a part of the Marge Tabor (deceased) estate. Mrs. Tabor gave Metro the first right of refusal for this parcel years ago to expand park property.

- **Comprehensive Framework Plan Policy 31: Community Facilities and Uses**  
This policy has several components to it:

- 1) *Regional park developments must be within 1/4 mile of mass transit.*

Metro fails to meet this criteria. Planning staff gives Metro some flexibility on this policy by finding that the proposal is in the public interest and is capable of harmonious integration into the Sauvie Island Community. I submit that Metro fails to meet this criteria because as you heard during the public hearing; the proposal is not capable of harmonious integration into the community and is not in the best interest of the local rural public.

- 2) *Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following: Road capacities, existing and projected traffic counts, speed limits, and number of turning points.*

In Metro's supplemental findings of January 15, 2002 (pg 11 of 11), Metro asks the board to find 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.

I am asking the board to refuse Metro's traffic study because it was not taken at normal peak park operations Metro identified as being the months of July, August and September. The traffic study was conducted the first and last weekends in October, when traffic volumes were down. Metro does not have a traffic study that will adequately address this criteria or any of the criteria that Metro relies on this study to meet, including MCC 11.15.2026, EFU Access Requirements.

- **Inadequate Parking Drainage Analysis** - Metro identifies soil compaction from overflow parking could be a problem over time. They did not identify this in their application, but in an assessment of environmental impacts required by Oregon State Parks in a grant Metro applied for and received to develop Howell Park (Attachment 2, section 6).

Metro contracted with OTAK for a parking drainage analysis for their permit application. This report can be found in the body of evidence submitted to the County. OTAK analyzed surface water runoff and treatment in the 27 vehicle 2 bus parking lot proposed by Metro. OTAK briefly mentions the use of fields for overflow parking during the dry season, but no surface water runoff analysis was done associated with this parking use.

Metro has submitted in their application and in supplemental findings that the fields will be used 10-12 weeks out of the year, averaging 75 vehicles per weekend day. Metro has stressed that use of the parking area in the dry season will not have a negative impact on natural resources. However, Metro did not supply the analysis to support this assumption. Nor did they adequately analyze the impacts of surface water runoff from soil compaction due to field parking could have on natural areas and the dike.

The dike borders (to the west) the main parking field Metro intends to use so heavily in the dry season. Rural Area Plan Policy 32 is a requirement of this application. This policy makes protection of flood waters the highest priority among competing uses on Sauvie Island. Without proper analysis Metro cannot meet this criteria or others concerning, natural resources, flood hazards, impacts to farming, hazardous conditions, and requirements not to increase public service.

- **Visitor Use Numbers** - Metro has thrown around so many figures on what the current park use is. At the hearing, Metro testified to 8,000 visitors a year. Five thousand of those coming during the 2-day Wintering-In Festival held by the Oregon Historical Society. This visitor use figure significantly differs from what Metro submitted in their application.

On page 52 in the hearings officer report you have with your board packet, Metro states that currently the park averages 20 vehicles per day - spring, late spring, and early fall. That is an average of 600 vehicles a month for six months. That calculates to 3600 vehicles a year at the park. Using Metro's traffic consultants figure of 2.5 to 3 people per car, that translates to 10,800 visitors to the park. Add in the 25 buses of school kids at 60 kids per bus that Metro identifies, that brings the total up to 12,300 visitors annually. If you add on top of that the 5,000 visitors from Wintering-In, Metro's own figures they have submitted show current park use at 17,300 visitors a year. Adequate current visitor use statistics and adequate visitor use projections are needed to assess traffic impacts at the Sauvie Island Rd/Howell Park Rd intersection.

- **Traffic Management Plans** - During Metro's rebuttal testimony at the last hearing, they used the Pumpkin Patch as a testament that Traffic Management Plans work on the Island. Metro claimed TMP's will be effective at managing traffic from Howell Park special events. Attached are

newspaper clippings from 1999 (Attachment 3). The congestion pictured backed up on all three rural collector roads for hours as traffic tried to use the narrow two lane bridge to exit the Island. A TMP was in place. A Multnomah County Sheriff Deputy was on HWY 30 directing traffic off the Island. Even with all this in place - traffic was in a gridlock. Traffic management plans do not always work. Especially when they are implemented during the height of tourist season. This year, I observed backups on Island rural collector roads a mile long. That was with a TMP in place. The reality of it is, the roads have no shoulders and if there is a fire/EMS call during these traffic jams the results could be tragic. The reality is farmers need to get through this traffic to get their produce off Island.

## **SOLUTION**

There is a solution (assuming this application is denied or withdrawn). There is a way for Metro apply for a new Conditional Use Application that will achieve the goals of the Howell Park Master Plan, meet all applicable criteria, and "harmoniously integrate into the community."

- 1) Metro can meet its goals by eliminating any new developments that increase tourism to the Island and instead focus on being an orientation center for existing Island visitors.
- 2) Metro's Master Plan will soon be outdated and required to be updated. This is the perfect opportunity to Metro to use citizen involvement to build community support for the current goals of the master plan. An updated master plan would meet today's needs of island visitors and this community. The last community involvement took place in 1995. This will give Metro a great opportunity to work with citizens to resolve park design issues the local community has concerns with.
- 3) ORS 215.283 (2)(d) was amended to allow a regional park on EFU lands. This law became effective 1/1/02. A new application will get Metro around this hurdle.
- 4) All Island commercial and non-commercial farmers can work with Metro to provide information necessary for Metro to develop an adequate Farm Analysis to support a future application. Perhaps the Sauvie Island Boosters Community Association could partner with Metro to ensure an adequate farm analysis is prepared for a future application.
- 5) Metro will have a perfect opportunity to conduct a traffic study during the Peak Visitor Season (summer 2002), and gather the proper data to analyze drainage impacts associated with overflow parking to the dike and natural areas.

## **CONCLUSION**

I truly feel, Metro can be successful at reaching their goals for Howell Territorial Park. I know Metro was hoping that mediation would resolve all the issues concerning this application. I made it very clear from the beginning, that the mediation process would be a great way to resolve park design issues. However, code issues can not be mediated away.

Metro's standing as a regional government 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 landowner or a regional government. I am confident the board will base its decision on the legal merits of this case.

Sincerely,

  
Julie Cleveland

Attachments

I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE ORIGINAL THEREOF.

BEFORE THE METRO COUNCIL

Clerk of the Metro Council

FOR THE PURPOSE OF APPROVING	)	RESOLUTION NO. 97-2479
THE HOWELL TERRITORIAL	)	
PARK MASTER PLAN	)	Introduced by Mike Burton,
	)	Executive Officer

WHEREAS, In July 1992, through Resolution No. 92-1637, the Metro Council adopted the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, the Metropolitan Greenspaces Master Plan calls for the preparation of master plans as a primary strategy for balancing public use of natural areas with protection of the natural values of the area; and

WHEREAS, The existing 93 acre Howell Territorial Park was designated as a Greenspace of regional significance in the Greenspaces Master Plan; and

WHEREAS, In 1994 Multnomah County transferred to Metro management of the park and a contract for services provided by OHS; and

WHEREAS, In 1995 the Open Spaces, Parks and Streams bond measure provided \$275,000 for improvements at Howell Territorial Park; and

WHEREAS, In June 1996 Metro assumed ownership of the Park, acquired an additional 20 acres contiguous to the Park and a first right of refusal to purchase another 20 acres adjacent to the Park; and

WHEREAS, Various public involvement activities occurred throughout the development of the master plan that resulted in public support for the project; and

WHEREAS, The draft Howell Territorial Park Master Plan (see Exhibit A) was available to interested public on March 4, 1997 for public review and comment; and

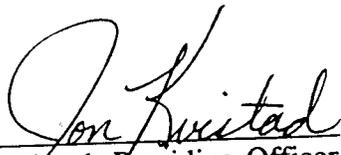
WHEREAS, On March 18, the Regional Parks and Greenspaces Advisory Committee voted unanimously to accept the draft plan in its current form with the caveat that if future land is added to the park, the master plan will be revisited; now, therefore,

BE IT RESOLVED,

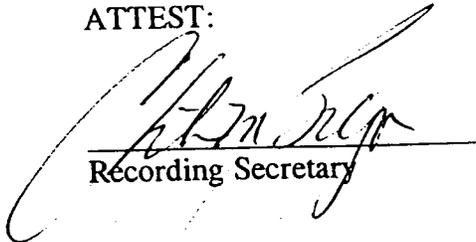
1. That the Metro Council approves and adopts the Howell Territorial Park Master Plan document in its entirety as attached in Exhibit A, or as amended by Council.
2. If the Master Plan document is amended by Council, staff will make the requested changes prior to release of the final document to the public.

3. Staff will begin implementation of the Master Plan in a manner consistent with current and/or future fiscal appropriations.

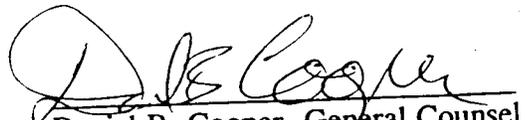
ADOPTED by the Metro Council this 17<sup>th</sup> day of April, 1997.

  
Jon Kvistad, Presiding Officer

ATTEST:

  
Recording Secretary

Approved as to Form:

  
Daniel B. Cooper, General Counsel

**6. ENVIRONMENTAL ASSESSMENT** - Describe the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact-causing activities, and any adverse or beneficial, environmental impacts resulting from the project. Describe the site (i.e. land use of site and surrounding area, fish and wildlife, vegetation, geology and soils, mineral resources, air and water quality, water resources/hydrology, historic/archaeological resources, transportation/access, and consumption of energy resources, and overhead utilities). Is the project site located in a floodplain or wetland? Are there any threatened or endangered species on the site? Attach any comments received from State Natural Resource Agencies and a list of other persons consulted. See Section 2.1.B in Grants Manual.

**The proposed action, need, and what it will accomplish-** The proposed improvements for Howell Territorial park are designed to provide support facilities that will better accommodate existing uses of the park and provide new facilities that will enhance recreation opportunities and meet recreation needs of the region. These improvements include: an all-weather parking lot, year round accessible restroom, group picnic shelters, ADA accessible pathway, ADA ramp to historic house porch, and interpretive signs. By providing these facilities to accommodate picnicking and strolling activities and associated parking and restroom needs of the public, impacts to the land should be reduced.

**Alternatives to proposed action-** Several alternatives to the proposed action were considered and explored. Alternative options such as, a larger parking lot, trail around the lake, trail and viewing blind location closer to the lake, active recreation components and automatic irrigation for turf, were all rejected in the interest of minimizing visual and environmental impacts. The proposed action was favored over lesser actions because the proposed facilities best support the mission of Metro and Oregon Historical Society, to satisfy recreation needs of the region, satisfy ADA access needs, and reduce impacts from already existing activities on site.

**Environmental impacts of proposed action-**

Issues	Positive Impacts	Negative Impacts
Land Use	The proposed uses maintain the rural landscape setting and scenic values, which are most highly valued by citizen survey respondents. Improvements will provide another public destination that will help accommodate the heavy number of visitors to the island.	An increase in visitors to the site will change its current character of under-utilization. Those visitors that have enjoyed the park as-is may be disappointed in the change. <u>Two residences adjacent to the park may notice more activity in the park.</u>
Fish and Wildlife	The location and level of proposed improvements are premised on first preserving the fish and wildlife habitat. No developments encroach upon the wetland and its buffer area. By establishing pathways, public use will be more defined and directed thereby minimizing impacts to habitat areas. Habitat in the park is protected from hunting unlike other habitat areas on the island.	There is a potential that some species of wildlife will recede from Howell Lake habitat and vicinity with more regular visitation to the park by visitors.
Vegetation	By establishing a defined parking area, encroachment into the wetland will be prevented. Proposed development is located to preserve existing native vegetation and all trees with exception of 6 trees within the fir grove (which requires thinning).	Six trees will be removed to accommodate one of the picnic shelters in the fir grove. (These trees were planted as a "Christmas tree farm" by a volunteer group 16 years ago and now benefit from selective removal).
Geology and Soils	The proposal intentionally limits impermeable surfaces by limiting the all-weather parking area to 27 parking spaces and maintains the majority of open field for overflow parking. In addition, the parking lot will be constructed with a permeable gravel surfacing to further reduce sheet flow of storm runoff.	Soils will be disturbed during construction, however, disturbance will be mitigated by following an erosion control plan. <b>Compaction of the field overflow area could become a problem over time.</b> If this occurs park staff will aerate similar to turf management practices at Blue Lake Park.
Air and Water Quality	Bicycle parking will be provided which will encourage alternative modes of transit thereby reducing emissions. By providing a destination for visitors to the island which is just one half mile from the bridge, auto impacts to the rest of the island may be reduced.	Improvements will bring additional cars to the park.

# Community News

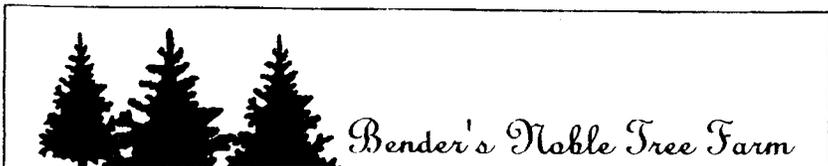
## Master

Action Team to hear  
ions for easing this  
i. Thanks Jean! Your  
ction and support of  
rangers at these meet-  
lly helped.

our October meeting  
held the election of  
s for the year 2000.  
rent Master, Lynn  
who has seen the  
through the stressful  
/ period of building a  
l, decided to experi-  
porary retirement  
office. He was given  
l of applause and  
for all his hard work  
erous expertise and  
Vann was elected as  
Master. He not only  
ior experience to the  
ready smile and wel-  
nanner to each per-  
ngratulations Jim!  
officers will be in-  
t our November 8  
The St. Johns Com-  
range and the Sky-  
ge will be joining us  
ively 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 Pumkin Patch on Gillihan to Hwy 30 was one hour.





**Fax  
Transmission**

- Please call to confirm receipt
- Please respond by return fax
- Call only if transmission is incomplete

**Date:** 02/22/01

**To:** Derrick I. Tokos

**Fax number:** (503) 988-3389

**From:** Julie Cleveland

**Our phone:** (503) 543-8584 (business)  
 (503) 543-3206 (home)

**Our fax:** (503) 543-8584

**# of pages including cover page: 3**

Derrick:

Please add this to the Howell Park Record. I emailed it to you as well.

Julie



Julie Cleveland  
27448 NW St Helens Rd #300  
Scappoose, OR 97056

January 28, 2002

Multnomah County Board of Commissioners  
501 SE Hawthorne  
Portland, OR 97214

Dear Commissioners:

In reviewing Mr. Ciecko's letter to you dated January 23, 2002, I was struck by an egregious misrepresentation of facts in evidence. In the letter, Mr. Ciecko states:

*The remaining components of the Conditional Use Application (2 small picnic shelters, gravel parking for 27 vehicles, accessible trails, restroom and interpretive signage) represents what we believe is the lowest level of development necessary to allow even modest public use of Howell Territorial Park on a year-round basis.*

I am astonished that Mr. Ciecko would not fully disclose to the board the full scope of Metro's proposed development for Howell Territorial Park as described in the application. Mr. Ciecko fails to mention that even with Metro's modest concessions, the proposed development would still include a catering kitchen, conference room, wedding facilities, gift shop and coffee shop. Please allow me to submit into the record, the remaining components of Metro's Conditional Use Application. You can find these components on pages 8-10 of the Hearings Officer Report in your board packets.

- All weather parking area for 27 vehicle two buses
- Security gates
- Park admissions toll booth
- Separate access to barn and shelters
- 4,200 linear feet of trails
- Wildlife viewing blinds
- Wedding Arbor
- Construct replica of a detached kitchen
- Construct ADA path to house porch
- Make ADA improvements to barn
- Create office in barn
- Create multi-purpose room in barn to accommodate up to 100 people
- Create catering kitchen
- Expand/upgrade museum space
- Remove on site finnish cabin
- Construct two (60 person) capacity group picnic shelters for rentals
- Construct two park restrooms
- Renovate house cellar
- Interpretive signage
- Entry Kiosk
- Maintenance buildings
- Install irrigation system
- Upgrade electric
- Upgrade water/septic systems
- Install pay phone
- Gift Shop

- Coffee Shop
- Two annual special events
- Dry weather turf parking for 530 vehicles
- Landscaping

I would like to stress, I am not opposed Metro making facility improvements to Howell Territorial Park. I am opposed to any developments that increase visitor use on an overburdened farm community, and any developments that strays from maintaining the rural and historic character of this homestead. I am opposed to this application before you simple because it lacks sufficient factual information to warrant approval and fails to meet state laws.

I am appalled by the apparent attempts of Metro to persuade the board that only modest facility improvements were the scope of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Cleveland". The signature is written in a cursive, flowing style with a large initial "J".

Julie Cleveland

January 28, 2002

Diane Linn, Chair  
 Multnomah County Board of Commissioners  
 501 SE Hawthorne, Suite 600  
 Portland, OR 97214

Dear Commissioners:

I am writing to urge your support for the conditional use application submitted by Metro for public improvements at Howell Territorial Park. As the Portland metropolitan area continues to urbanize, the needs for land acquisition, developed parks and accessible open space also increases. It makes little sense to hold parkland that cannot be master planned, then implemented as funding becomes available. If the area were not a park, chances are it would be developed much more intently.

Howell Territorial Park is cherished for its unique combination of natural, historical and scenic resources. In its present condition, however, the park lacks the most basic of facilities to responsibly accommodate the public. As a result, attendance to the park is miniscule and limited to about 30 days out of the year. Without the modest improvements proposed, (an all-weather parking lot, restroom, paths, interpretive signs, shelters and a bird viewing blind) citizens of the region are deprived of an exceptional outdoor recreation and education opportunity. Metro estimates 20,000 visitors annually to Howell Territorial Park, once improvements have been made. This number is modest compared to the 80,000 visitors the island receives each autumn for Pumpkin Patch outings.

The proposed improvements (which are the result of a 2 year public master planning effort in partnership with the Oregon Historical Society) provide for basic uses; historical tours, wildlife viewing and picnicking. They have been modestly designed and scaled to limit and define use in order to protect the very resources that make the park special. They provide much needed public facilities for the visitors who now come to the island and will help foster their discovery and respect for the island's rich heritage. Visitors from the region and beyond are drawn to Sauvie Island who would be well served by Howell Territorial Park to orient and educate them about the island's richly layered history, natural resources and agricultural heritage. Most importantly, these improvements will enable year round use, which will allow school children to take field trips to the park as they explore Oregon's natural and cultural history.

I hope that Howell Territorial Park can achieve its potential to enrich visitors appreciation of the natural resources and cultural history of both the island and the park, which in turn will help insure its long term protection and sustainability. If Howell Territorial Park is not utilized for this purpose, then perhaps the County has an alternative suggestion - and the land for another site on the island.

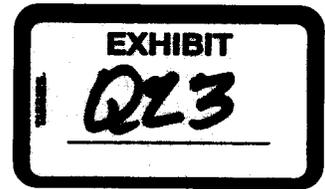
Sincerely,

*Ric Catron*

Ric Catron  
 765 SE Mt. Hood Hwy. # 373  
 Gresham, OR 97080

Post-It® Fax Note	7671	Date	1.28.02	# of pages	1
To	DEREK TOKAS	From	RIC CATRON		
Co./Dept.	MULT. CO.	Co.			
Phone #		Phone #	618.2747		
Fax #	503.988.3389	Fax #	661.5927		

TOTAL P.01



RECEIVED  
MAY 25 AM 10:56  
MULTNOMAH COUNTY  
COMMUNITY DEVELOPMENT SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

I am very unhappy about the new proposed large picnic shelters and additional parking at Bybee Howell House on Sauvie Island. I've been meaning to contact you about this for some time but I thought it was too late to comment. I hope my comment will be included.

I am OPPOSED to the enlargement of facilities at Bybee Howell House. I do NOT want to see any thing like Blue Lake Park on Sauvie Island. Blue Lake Park, while it is good at serving large numbers of people, is a boring, generic and un-natural area that is always a disappointment every time I go there.

I treasure the historic and pastoral qualities that make Bybee Howell a special and renewing and enriching place to visit. Greater capacity would not be an improvement. The bike road and traffic on Sauvie Island already are very scary and crowded at times. Already bicycles + cars must compete for the roadway on Sauvie Island. DO NOT bring more cars to the Island!! The road is not able to meet any added demand, nor the bridge. Sincerely, Please do not expand Howell Territorial Park.



MS. CAROLINE SKINNER  
2420 NW QUIMBY ST APT 14  
PORTLAND, OR 97210-2663

(name and address)



EXHIBIT 1 Q25

MULTNOMAH COUNTY  
LAND USE SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

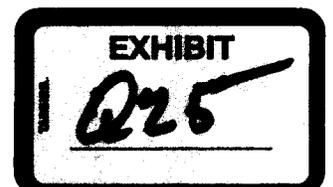
I am heartily opposed to the development plan proposed for the Howell Territorial Park. There is already enough traffic and activity on Sauvie Island and I respectfully request that you leave the island as it is. I'm certain there are other uses for the resources you plan to spend. How about more after school activities for kids or women's shelters or literacy programs? I'm certain there are existing parks and trails that would benefit from a cash influx.

Please leave Sauvie Island alone.

Sincerely,

Wendy Clark  
3917 NE 11th Ave.  
Portland, OR  
97212

(name and address)



7-11-88 AM 7:54

MULTNOMAH COUNTY  
PLANNING DEPARTMENT

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

Re: The proposed commercialization  
of Howell Territorial Park.

I would assume that common  
sense (which Metro has never been  
accused of) would necessitate remov-  
ing all options from the table since  
the secondary of faults in the Sawie  
Island bridges. Surely the addition  
of hundreds of cars to the bridge  
traffic would be dangerous.

We are assured that they want  
to maintain the natural rural  
beauty of the island, yet every plan  
they propose would accomplish exactly  
the opposite.

If Metro has money burning a  
hole in their pockets, let them con-  
tribute it to building a new bridge  
then we'll talk.

Sincerely,

Darcia C. Henry

15500 N.W. Ferry Rd  
Portland, OR 97231

(name and address)



NOV 26 11:54

MULTNOMAH COUNTY  
COMMISSIONERS

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

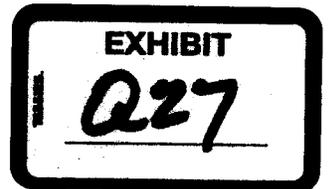
*I would like to add my voice to those already raised against the overdevelopment proposed for the Bybee-Hawell Park. The park and the island share a fragile ecosystem that can be unbalanced by overuse. Those who come to the island usually do so for its uniqueness and undisturbed pastoral beauty. Please don't destroy this with well intended, but ill advised development.*

*Thank you for your consideration.*

Sincerely,

*Rose Thrush-Pederson  
13846 NW Sawie Is. Rd  
Portland OR 97231*

(name and address)



Bailey Nurseries, Inc.  
18616 NW REEDER ROAD  
PORTLAND, OR 97231

PHONE: 503.621.9710  
FACSIMILE: 503.621.3304



# BAILEY

NURSERIES

Date: 1-29-02

From: Tamara Fulton

To: Derrick Tokos

Direct Phone: 503-621-9710

Multnomah County Planning

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax: 503-988-3389

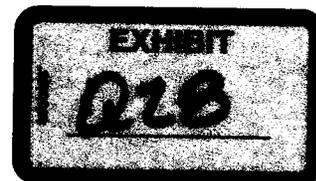
Total Number of Pages (Including Cover): 1

Bailey Nurseries Inc. farms on land adjacent to Bybee Howell Territorial Park and uses the Bybee Howell Park Road on a regular basis. It is important to us to be able to get our crews and equipment to our fields and our product out of our fields without getting held up in 'Event' traffic.

We are also concerned with safety issues and the fact that Sauvie Island is Exclusive Farm Use land. By promoting tourism on Sauvie Island Metro is taking advantage of EFU lands.

\_\_\_\_\_  
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BAILEY QUALITY \* NORTHERN GROWN \* SINCE 1905  
WWW.BAILEYNURSERY.COM  
EMAIL: MAIL@BAILEYNURSERY.COM



Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne, Suite 600  
Portland, OR 97214

Jan. 29, 2002

Dear Commissioners:

My name is Jay Hamlin, and I am writing to urge your support for the conditional use application submitted by Metro for public improvements at Howell Territorial Park.

I volunteer on Metro's Regional Parks and Greenspaces Advisory Committee and have reviewed and am aware of much of the planning efforts that Metro has done. In addition, I have been both a participant and volunteer at several activities at the Park over the years, and have first hand knowledge of both the beauty and inherent value of the park and sadly, the deficiencies for public use. The public would be well served by such a place as Howell Territorial Park if the improvements planned were implemented.

Howell Territorial Park is valuable for its unique combination of natural, historical and scenic resources. In its present condition, however, the park lacks the most basic of facilities to responsibly accommodate the public. As a result, attendance to the park is miniscule and limited to about 30 days out of the year. Without the modest improvements proposed, (an all-weather parking lot, restroom, paths, interpretive signs, shelters and a bird viewing blind) citizens of the region are deprived of an exceptional outdoor recreation and education opportunity.

The proposed improvements (which are the result of a 2 year public master planning effort in partnership with the Oregon Historical Society) provide for basic uses: historical tours, wildlife viewing and picnicking. They have been modestly designed and scaled to limit and define use in order to protect the very resources that make the park special. They provide much needed public facilities for the visitors who now come to the island and will help foster their discovery and respect for the island's rich heritage. Most importantly, these improvements will enable year round use, which will allow school children to take field trips to the park as they explore Oregon's natural and cultural history.

I hope that Howell Territorial Park can achieve its potential to enrich visitors appreciation of the natural resources and cultural history of both the island and the park, which in turn will help insure its long term protection and sustainability.

Please include these comments as part of the testimony for the hearing.

Sincerely,

*Jay Hamlin*  
Jay Hamlin

TOTAL P.01



PROJECTS P11 0151

MULTNOMAH COUNTY  
PLANNING DIVISION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

I am writing to protest the developments at Howell Territorial Park. This park is valuable because it is a beautiful undisturbed natural area. It is important historically precisely because it is still so much like it once was, years ago. Any development would spoil both these qualities that make it valuable.

If people want paved parking lots, gift shops, restrooms, and developed party areas, there are plenty of places to go around Portland. Leave Howell Territorial Park alone, and you will be doing the best thing for future generations.

Sincerely,

Kathleen Baldwin and William Tomlinson  
18525 NW Sauvie Island Rd.  
PORTLAND OR  
97231

(name and address)



JUN 23 PM 3:51  
MULTNOMAH COUNTY  
PLANNING SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

I am a resident of Sauvie Island. I have lived here fifteen years and use Bybee-Howell park several times a year. I have watched as the plans for developing the park have unfolded. Here are my observations:

1) The process of developing the park did not adequately include Island residents who know & use the park. 2) Residents could have helped to design a park that fit the flavor, character & needs of the Island & its visitors. 3) Bybee-Howell park is a very special place. It is a picnic blanket / back in time kind of place. It is timeless - that is what visitors love about it. 4) The park could use some enhancement that would enrich its qualities, but not alter them. a) an indoor restroom (in the barn) would be a positive. b) Interpretive signs would be nice for visitors c) restoration / maintenance of the horse world would be a good idea. The key is to enhance what is there - not alter it. Finally - a parking lot in the field is a bad idea. That field is home to heron, crows & other wildlife that visitors come to see. Remember the Joni Mitchell song - "You don't know what you got till it's gone... they paved Paradise & put up a parking lot..."

Sincerely,

Adrienne Keita  
14139 NW Chautau Rd.  
Portland, OR  
97231

(name and address)

Let's not do that. Please deny Metris proposal. Let's start again from scratch.



RECEIVED  
JUL 19 10 3:52  
MULTNOMAH COUNTY  
PLANNING SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

We don't want this. Sauvie Island is  
fine the way it is.  
The bridge is only 2 lanes - the  
roads are only 2 lanes with  
lots of bicycles!  
Why make this bigger?  
You'll get vandalism +  
late night partying!!  
Vote NO on this change!

Sincerely,

J. Boyd  
14944 Newhall  
Portland  
97231

(name and address)



JUN 05 PM 3:52

MULTNOMAH COUNTY  
LAND USE DIVISION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

I feel the level of development planned  
for Howell Territorial Park will alter significantly  
pastoral and historic qualities. Also will  
cause undue traffic in this area that already  
heavily used. Howell Territorial Park should  
remain the treasure that it is.

thank you

Sincerely,

Sean Adams

13014 NW Maclean Way  
Portland OR 97231

(name and address)



RECEIVED  
JUN 29 PM 3:52  
COMMUNITY  
DEVELOPMENT SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

RE: Proposed Bybee-Howell Territorial Park Developments.

Any development at Bybee should maintain the integrity of this farm. The small farm house should not be dwarfed by large picnic shelters. How can a 'gift shop' fit into the pastoral qualities?

A small restroom facility and a small lean to shelter next to the existing barn seems reasonable.

Please do NOT let Bybee-Howell become a destination-theme park.

Once the development that is proposed becomes a reality, I fear Bybee-Howell will be lost forever. Proceed carefully, maintain our heritage.

Thank you for your consideration.

Sincerely,

Andee Carlstrom  
15400 N.W. McNamee Rd.  
Portland, OR  
97231

(name and address)



JUL 20 PM 3:54

MULTNOMAH COUNTY  
PLANNING SECTION

## TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

I am writing to express my concerns over the proposed development at Bybee - Howell Park on Sauvie Island. On the surface this may seem like a good idea - Sauvie Island is a beautiful place to have a picnic.

However, I have concerns on several accounts:

① These proposed facilities would significantly alter the rural historical nature of the park. It would then be just like any other park in Metro Portland. The park's character would be forever changed.

② Larger facilities would attract more users, more users = more cars. The Sauvie Island Bridge is already in desperate need of repairs. ~~Additional~~ Additional traffic would hasten its demise. High traffic volumes pose dangers to cyclists and further detracts from the rural character of the island.

Sincerely,

MARK VALESKE  
13010 NW MARINA WAY  
PORTLAND OR  
97231

(name and address)



RECEIVED  
JUN 29 PM 3:59

MULTNOMAH COUNTY  
LAND USE DIVISION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

I HAVE enjoyed The Bybee Howell  
TERRITORIAL PARK for many years.  
ATTENDED many PARTIES in The  
Howell House many years Ago.  
HAVE enjoyed many summer picnics  
The PAST TWENTY years and look  
FORWARD TO many more  
I am very OPPOSE TO METRO's  
Ambition TO change The setting  
of The PARK. This IS A BAD choice

Sincerely,

Ed LeRCH  
22625 NW GILLIAN R  
PORTLAND OR  
97231

(name and address)



RECEIVED  
MAY 19 1999 PM 3:49

MULTNOMAH COUNTY  
LAND USE DIVISION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos

Multnomah County Land Use Planning

1600 SE 190th Ave.

Portland OR 97233

FAX (503) 988-3389

Dear Commissioners:

I am writing to argue against the proposed development of Bybee-Howell Territorial Park. My family lives close-by, off the island. We have appreciated the quietude and abundant bird life at the park. In contrast, down the road at Wapato Access the parking lot and shelter draws dozens of visitors and their dogs which deter wildlife and quiet. Trash piles up here as well.

The simple pleasure of walking through an historic orchard cannot be overestimated. This park is currently free and open to people seeking that experience. What is the logic for turning thousands of such a small, fragile site? Surely it will then be a candidate for another beautiful place "loved to death."

Picnic areas and gift shops are available a mile or so in either direction at Rueser Farms and Pumpkin Patch. Keep commercial development on commercial property.

The "bigger is better" mentality is a fallacy. Please keep a small treasure intact.

Sincerely,

*Carol Sherman-Pogors*

Carol Sherman-Pogors

14928 NW Mill Rd

Portland OR 97231

(name and address)



RECEIVED  
11 JUN 89 PM 3:48  
MULTNOMAH COUNTY  
PLANNING SECTION

TO: MULTNOMAH COUNTY COMMISSIONERS

as per Derrick Tokos  
Multnomah County Land Use Planning  
1600 SE 190th Ave.  
Portland OR 97233  
FAX (503) 988-3389

Dear Commissioners:

*please - please - please -*  
*do not approve any development of the*  
*Howell Territorial park - the area*  
*is a historic part of Juwie Island and*  
*of the whole Multnomah and Columbia*  
*area - the area is a special treasure*  
*for our Pacific Northwest and should remain*  
*as such.*

*So I beg all of you, please do not alter*  
*this special treasure, for development - or*  
*change -*

Sincerely,

*A.J. Colasurdo*  
*26504 - N.W. Reeder Rd.*  
*Portland, Oregon 97231*

*Marie Boel*

(name and address)



January 29, 2002

To: Multnomah County Planning  
Attention: Derrick Tokos

From: Lora Creswick

Re: Metro Conditional Use Permit to expand the Howell Territorial Park on Sauvie Island - County File no CU 0-2

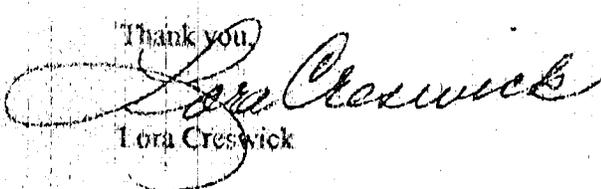
As a neighbor to Howell Park, I see it every day and am hopeful that the serenity and integrity of the house and grounds will be allowed to remain as they have been since the late 1800's. This may be the only homestead farmhouse and grounds left for my children's children to see! With parking lots, coffee shop, 12-foot wide trails, new structures all around, a visitor will have to stand in front of a photo from today to imagine what it would have looked like! Why do that when we have the choice to maintain the existing? By providing professional attention to the house, creating restroom facilities within the existing barn and allowing the small events come and go as they have with tents, tables the impact on the land is minimal. When the event is over, the grounds are back to the natural landscape of a Homestead farm.

If the trails are approved into the area behind the house and barn area, the very wildlife Metro proposes to see from such trails will be gone to the neighbors fields! Example: the Fish and Game Commission has found the need to limit people from certain areas because the Canadian Geese were too frequently startled and quickly abandoned the natural area set aside for them and started eating the neighboring farmers profits! Hence, yet another impact on life here on Sauvie Island.

With our emergency bridge condition, the fact that our roads are already over capacity, the (already stressed) volunteer fire department -- who respond to all 911 calls, the heavily used sandy beaches, hunters and fishermen, we absolutely can not maintain life as a rural farm (Exclusive Farm Use) area with the threat of bringing a even larger groups of people here as a destination! We are trying to live and work here to keep it the beautiful place you have known it to be. If the bridge limits are not adjusted to 105,000 lbs. loads, the farmers will no longer be able to compete in the marketplace and the zoning will be changed to single family or higher density and the farmer becomes extinct. At that point, an urban park like Metro suggests might fit -- but, is that what you want?

Please keep the natural setting as the Howell family intended it.

Thank you,

  
Lora Creswick

EXHIBIT

1 021

# Reeve Kearns PC

Attorneys at Law

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## Facsimile Cover Sheet

**To:** Deb Bogstad, Board Clerk  
**Of:** Multnomah County Board of Commissioners  
**Facsimile Number:** (503) 988-3013  
**From:** Dan Kearns  
**Date:** January 29, 2002  
**Pages to Follow:** 15

**Comments:**

The information contained in this facsimile is confidential and may also be subject to the attorney-client privilege. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify me by a collect telephone call to 503-225-0713 and return the original message to me at the address above via the U.S. Postal Service. Thank you.

00CLM4217  
January 29, 2002



# Reeve Kearns PC

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Daniel H. Kearns  
Direct Dial: 503-225-1127

January 29, 2002

Multnomah County Board of Commissioners  
c/o Deb Bogstad, Board Clerk  
501 SE Hawthorne Blvd., Suite 600  
Portland, OR 97214

**SENT VIA FAX TO (503) 988-3013  
AND BY REGULAR MAIL**

**RE: Metro Conditional Use Permit to expand the Howell Territorial  
Park on Sauvie Island – County File No CU 0-2  
Final Rebuttal of the Sauvie Island Boosters**

Dear Commissioners:

This letter is the final submission of the Sauvie Island Boosters before you close the record and decide this matter. I had previously submitted a hearing memorandum at the January 2001 hearing outlining the legal issues. Even though it is more than a year old, the legal issues are still relevant, and I urge you to review that memo. I also urge you to review the July, 2000 decision of the County's Hearings Officer, Liz Fancher, who denied this application. That decision is also still relevant. According to ORS 197.763(e)(6), Richard Benner, Metro's attorney, has a right to final rebuttal and legal argument within 7 days of when the record closes but cannot submit new evidence. As I understand it, Mr. Benner's submission deadline is February 5, 2002.

The Board should not lose sight of the history of this application and the planning process for the Bybee-Howell Territorial Park. Metro has explicitly and repeatedly stated – both at the January 15, 2002 hearing and in its application materials – that it proposes to create a regional park designed to help meet the region's growing recreational needs in the same way as Blue Lake Park and Fairview Lake Park.<sup>1</sup> The proposed facilities and crowd projections confirm Metro's

1 Metro's grant application to the State Department of Parks and Recreation is clear in this regard when it 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."

"Recreation Needs- There is a great need and demand for group picnic facilities in the Portland Metro region. At Blue Lake Park alone, counts taken from the last three years show that an average of 90,000

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plans for this park as a regional recreational destination - in effect "Blue Lake Park West" - despite the fact that Sauvie Island is outside the Metro UGB and outside Metro's jurisdictional boundary. In addition to large numbers of weekend picnickers, the target market for this regional park is corporate picnics and parties, family reunions, wedding receptions and the like. In this way, Metro claims it will expose many tens of thousands of the region's residents to this historic farmstead. The proposed facilities that will attract and accommodate these visitors and the target market include parking for approximately 630 cars plus buses, picnic shelters for 240, a gift shop and a coffee shop, plus an indoor kitchen for catering in the barn and seating for 60.

In contrast to Metro's ambitious plans for the park and the many ways it will help meet the region's growing recreational demands, Metro now makes the surprising promise to eliminate for the time being one of the big (120-person) picnic shelters and to limit the number of "big events." However, Metro has not changed its plans or projections for this park and provides no hint as to how it could prevent multiple "small events," that happen to overlap, from becoming de facto "big events." Even the "small events" - especially multiple small events - stand to have a substantial impact on the under-sized, substandard road and bridge that serve the property, and all of the farmers that depend upon the smooth operation of Sauvie Island Road and the bridge.

Despite Metro's eleventh hour promise to limit the crowds, there is every expectation that, if they build it, the crowds will come. Quite frankly, Metro has been very clear for more than two years as to what it plans for the park, and its promise to now ratchet-back the facilities - at least until it gains approval for some measure of the proposed expansion plan - seems disingenuous. The fundamental problem with Metro's proposal is that it is simply too intensive, too large, and serves the recreational needs of too large an urban population, as opposed to the local community, to be placed on EFU land - especially on the highvalue farm land that comprises Sauvie Island. What follows is a discussion of the specific legal criteria which implement the state's farmland preservation policies and which are violated by this proposal.

1. Even though public parks are a valuable public amenity, this particular park expansion proposal cannot be approved at this location because it violates state law and the County Code, *i.e.*, ORS 215.296 and MCC 11.15.7120(A)(3) respectively.

It is true that state law, in theory, allows parks on EFU land. However, Oregon's land use system is founded upon the preservation of farm land for farm uses, and parks, by definition, are not farm uses.<sup>2</sup> Consequently, the only kind of park allowed on EFU land is one which does not

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people per year, that desire to reserve a picnic shelter, are turned away due to lack of availability. The demand for group picnic facilities exceeds availability for other recreation suppliers in the region as well."

2. ORS 215.203 defines "farm use" as follows:

"Farm use" means the 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, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or

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interfere with farm activities or increase the cost of farming. The critical approval criteria that are violated, and cannot be met, by Metro's proposal are ORS 215.296 (Standards for approval of certain uses in exclusive farm use zones) and the parallel county provisions which provide that:

- (1) A use allowed under ORS 215.213(2) or 215.283(2) may be approved only where the local governing body or its designee finds that the use will not:
  - (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
  - (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (2) An applicant for a use allowed under ORS 215.213(2) or 215.283(2) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.<sup>3</sup>

Liz Faucher, the County's Hearings Officer, denied this application after a full review of the record and a public hearing because it did not meet these requirements, due to the fact that Metro completely ignored them. The only response that Metro has provided in the intervening two years is a farm impacts analysis covering just 1/2 mile around the park and a traffic study that missed all of the traffic during the summer growing season and fall pumpkin season.<sup>4</sup>

Metro seems to assume that it is exempt from the land use laws and legal requirements that normally apply to private property owners. In particular, Metro's farm impacts analysis is far

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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.

3 These state law standards are related in MCC 11.15.7120(A)(3).

4 The testimony presented at the January 15<sup>th</sup> hearing demonstrates that farmers use Sauvie Island Road constantly throughout the summer growing season. Pumpkin season - essentially the second and third weekends of October, just before Halloween - is the other peak of traffic and farm activity on the Island. The Kittleson study did not collect any data during the summer. Kittleson only counted cars only on the first weekend of October - after the growing season is over but before the pumpkin season begins - and the weekend after Halloween - after pumpkin season ends. Kittleson skillfully avoided any time when there would be significant traffic on the Island's roads.

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too limited in geographic extent. Due to the park's proximity to the Sauvie Island Bridge, the only way on and off the Island, this expansion proposal will impact every farm on the Island that uses the bridge or the road leading to the bridge. The 1/2 mile radius is too small and does not begin to assess the real impact of this proposal on all of the farms that, in fact, will be impacted.

Virtually all of the testimony the Board heard on January 15, 2002 from farmers confirmed that this park will significantly impact farm operations and increase the cost of farming across the entire island. In particular, this testimony documented that the traffic and crowds of people will substantially impact every farmer that relies on the Sauvie Island Road or the Sauvie Island Bridge. The testimony also confirmed that the large numbers of people coming to the park will interfere with near-by farmers by limiting their ability to spray their fields with pesticides or apply fertilizers because of the spray drift.

Metro's 1/2-mile farm impact study is not sufficient to rebut any of this testimony. Likewise, Metro's traffic study, that managed to miss any weekend with significant farm or tourist traffic, is also not sufficient to rebut this testimony. The only credible evidence in the record about the actual likely impacts on farm operations is that of the farmers and other Island residents who testified that Metro's proposed expansion will have substantial impacts on all farms on the Island that use Sauvie Island Road and the bridge and that these impacts will significantly increase the cost of these farm operations, or put them out of business.

2. **Metro's proposed conditions do not eliminate conflict with farm uses or bring the application into compliance with the mandatory approval criteria.**

Metro's proposed conditions of approval do not fix the problem for several reasons. First, ORS 215.296(2) requires "clear and objective" conditions as the only way to make a non-farm use compatible with surrounding farm operations allowable on EFU land. Metro's proposed conditions are not clear or objective because there is absolutely no indication of how Metro will limit the numbers of people and cars that might attend weekend corporate picnics, family reunions, wedding receptions and the like. Much like Blue and Fairview Lake Parks, the Howell Territorial Park will have a substantial number picnic tables, lots of trees, parking for more than 600 cars and buses, and facilities and attractions for large numbers of people. But, unlike Blue and Fairview Lake Parks, Metro promises to limit attendance at the Howell Park - something for which Metro has provided no plan and has never endeavored to do with its other large, public recreational parks. There is no plan, much less a clear and objective plan, that will work.

It will be impossible for Metro to monitor or limit the numbers of people or cars attending company picnics, family reunions, wedding receptions and the like at the Howell Park or to limit them to just one or two "big events" each year. Even on non-big event weekends, the gates will be open, companies, families, weddings, etc. will have reservations at the park, many of which will overlap to some extent, and it will be impossible for Metro to know in advance or limit the numbers of people or cars that will attend any one of these events, much less the multiple overlapping events that will be scheduled for any single summer weekend. Consequently, there is no

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guarantee that Metro's proposed solution will work, or even could work, to avoid impacts on farm operations. ORS 215.296(2) requires that any conditions designed to avoid impacts on farm operations must be "clear and objective." There is no indication that Metro's proposed condition will even work, not to mention that it is not clear and objective.

Finally, Metro argues that it will help mitigate the park's impact on farmers by giving them 14 or 21 days notice of large events so that farmers can make alternative arrangements for using the Sauvie Island Road and bridge. This plan simply will not work, and even if it could work, it violates state law because it proposes to force a change in farm practices. ORS 215.296(1) prohibits this park expansion if it will "force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use." Metro's proposed "advance notice" system expressly proposes to force a change in how the Island's farmers do their jobs and conduct their farming operations, by making them schedule around announced park activities and virtually every weekend during the growing season. Even if we could believe Metro that there would be only one additional "big event," which we cannot, this still violates the mandatory prohibition in ORS 215.296(1). As a matter of law, Metro's proposal cannot be approved.

3. **The weight limit on the Sauvie Island Bridge further exacerbates the impact this park expansion will have on Island's farms because farm loads have to be divided into many truck loads to cross the bridge - all of which will have to be timed to coordinate with crowds and events at the Howell Territorial Park.**

As the Board knows, the Sauvie Island Bridge is weight limited, and that weight limit has recently been lowered and strictly enforced. Prior to the strict enforcement of the weight limit, farmers were sometimes able to transport produce off the Island and farm materials onto the Island in single truck loads. With the lower weight limit, the only way to transport farm materials and products across the bridge is to divide the single load into many loads and make many truck trips across the bridge.

The Board heard testimony from farmers that they use the Sauvie Island Road throughout the summer growing season, taking produce off of the Island, and throughout the year bringing farm materials and logs onto the island. Under Metro's most optimistic scenario, farmers would get advance notice of some "big events" and will know about the normal crowds on summer weekends. According to Metro, farmers should alter their transportation schedules around these events and weekends. Even if this were possible before, which it is not, with the new lower bridge weight limit, all farm loads have to be divided into many truck loads which then have to cross the bridge. This will make a difficult traffic coordination problem virtually impossible due to the substantial increase in farm truck traffic crossing the bridge. Island farmers already have a difficult time getting time-sensitive produce off the island to processors. The increased coordination problem will very likely put some farmers out of business. Under ORS 215.296(1)(e) and (b) this conflict requires denial of the proposal.

4. **Staff recommends approval. Should the Board accept that recommendation? No.**

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The Board should not put great weight on staff's recommendation regarding this application for two reasons. First, staff has always supported approval of Metro's proposal – even though the County's Hearings Officer, Liz Fancher, issued a strong denial on July 2, 2000 based on Metro's failure to meet its burden of demonstrating compliance with the approval criteria. In the intervening two years since the Hearings Officer's decision, the application has not changed appreciably – Metro has still not demonstrated compliance with the approval criteria, especially ORS 215.296 and MCC 11.15.7120(A)(3) – and the Board should up-hold the Hearings Officer's denial.

Second, once staff reaches a general recommendation on any application, it typically does not change that recommendation, even if the Hearings Officer denies an application. Staff's review is essentially limited to the abstract question of whether this or some similar park expansion could be approved at this location. The answer to this theoretical question has always been yes, because both state law and the County Code allow some parks on EFU land. However, this particular park expansion cannot be approved because it violates the principal approval criteria in ORS 215.296, MCC 11.15.7120 (A)(3) and others.

5. According to the Chief of the Sauvie Island Fire Department, adequate emergency service cannot be assured because emergency medics may not be able to provide adequate coverage to large numbers of park visitors, and patients who need to be evacuated may not be able to get off the Island. This situation violates MCC 11.15.7120(A)(6) and 11.15.2026.

MCC 11.17.2026 and 11.15.7120(A)(6) require that Metro demonstrate that the transportation system serving the expanded park, will be safe and convenient for pedestrian and for passenger and emergency vehicles. Metro explicitly states that the Howell Territorial Park is planned as a regional park to serve the recreational needs of the region's growing population. The proposal includes parking for over 600 cars plus buses. The site is served by Sauvie Island Road – which the Rural Area Plan indicates is already substandard. The several hundred vehicles associated with even a small event can and does block traffic on the Sauvie Island Road and bridge. Such traffic congestion would make it difficult or impossible for emergency vehicles to get to the park or to evacuate patients who need more than just first aid.

Don Posvar, Chief of the Sauvie Island Fire Department, stated in two letters that are in the record that the crowds and 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.<sup>6</sup>

5 In particular, MCC 11.15.2026 requires that "[a]ny lot in this [EFU] 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." MCC 11.17.7120(A)(6) prohibits approval where the proposed conditional use will "create hazardous conditions."

6 Both of Chief Posvar's letters, dated September 6 and December 20, 2000 respectively, are in the record and

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There will be too many people and potentially too many medical calls, for this small volunteer fire department to handle. The Fire Chief also asserts that the narrow Sauvie Island Road with no right-turn or deceleration lane into the Park is certain to cause accidents which will also increase emergency calls. His opinion is corroborated by two of the County's Transportation Engineers - Ed Abrahamson and Ali Eghtedari.<sup>7</sup> Both of these County Engineers point out the inadequacy of the Sauvie Island Road and bridge and call into question Metro's promises that there will be no traffic safety problems.

The Fire Chief recommends that the Board deny the proposal in light of the Fire Department's inability to adequately cover the projected increase in demand caused by the park. The two County Engineers point out that substantial right-of-way improvements are required for Sauvie Island Road to function safely. Metro states it will not construct any such improvements to Sauvie Island Road and claims none are needed. In light of this testimony, the proposal must be denied under MCC 11.15.2026 and 7120(A)(6).

- 6. This park is not allowed on EFU land, as the only parks allowed by ORS 215.283(2)(d) are those "operated primarily by and for residents of the local rural community."

ORS 215.427(3) requires that approval or denial of a permit application, such as this one, "shall be based upon the standards and criteria that were applicable at the time the application was first submitted." One such standard that was in effect at the time Metro submitted its application was ORS 215.283(2) which placed a significant limitation on the kind of parks that are allowed on EFU land. In particular, the only type of park that the 1999 version of ORS 215.283(2)(d) allowed on EFU land is one "operated primarily by and for residents of the local rural community."<sup>8</sup> Even though the same provision is not also stated in the County's Code, this statutory provision was in place and it is applicable to this application. That was also the conclusion of the County's Hearings Officer.

This limitation on parks in EFU zones prohibits this park because Metro has clearly stated that it will be a regional park, serving a regional population of recreational users, much like Blue and Fairview Lake Parks. This park used to, but no longer will, pertain to the rural farming community on Sauvie Island. Metro might argue that the statute is poorly worded and that the

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copies are attached.

7 County Engineer Ed Abrahamson's memo, dated October 12, 2000, and Ali Eghtedari memo, dated October 24, 2000, are also in the record and copies are attached.

8 ORS 215.283 provides the exclusive list of uses that are allowed on farm land, and no others are permitted. Applicable here, ORS 215.283(2)(d) allows only the following kind of parks on EFU land:

"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." (emphasis added)

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Legislature really meant to place this limit only on rural community centers. However, even if that were true, legislation must be interpreted and applied as it is written, even if that is not exactly what some members of the Legislature "meant" or if the result is absurd<sup>9</sup> – which is not the case here because application of the statute as written serves to protect farm land as required by State-wide Planning Goal 3.

Metro successfully lobbied the 2001 Legislature to remove this provision precisely because it precludes approval of this expansion proposal. However, the so called "no changing the goal posts rule" in ORS 215.427 is still mandatory and subsequent changes in state law do not override this fundamental requirement.<sup>10</sup> In summary, the Hearings Officer and the County's own attorney correctly concluded that the 1999 version of ORS 215.283(2)(d) applies, and it must be applied as written. The statute prohibits approval because this park, by design, will not be operated primarily by and for residents of the local rural community.

In conclusion, Metro's proposal is too expansive, too intensive and too urban for this rural setting on an island comprising the largest area of highvalue farm land in Multnomah County. On policy grounds alone, the application should be denied, and Metro should develop an urban recreational destination park inside its own jurisdictional boundary and inside the Urban Growth Boundary. Policy issues aside, this proposal violates the mandatory approval criteria designed to protect farm land and farming communities from the disabling effects of encroaching urban development. The Board should deny this application because Metro has not demonstrated compliance with the approval criteria. As a final note, my clients were disappointed to learn that the Board's final meeting on this application will not be held on Sauvie Island; however, we will all endeavor to attend the February 7<sup>th</sup> meeting downtown. Thank you.

Sincerely,



Daniel Kearns

cc. Richard Benner, Metro  
Sandra Duffy, County Counsel's Office  
Susan Muir, Land Use Planning  
Clients

<sup>9</sup> *Young v. State*, 161 Or.App. 32, 983 P.2d 1044, rev den 329 Or 447 (1999), citing *PGE v. Bureau of Labor and Industries*, 317 Or. 606, 859 P.2d 1143 (1993).

<sup>10</sup> *East Lancaster Neighborhood Ass'n v. City of Salem*, 30 Or LUBA 147 (1995). The only way Metro can avoid the requirements and limitations of 1999 version of ORS 215.283(2)(d) is to withdraw its application and resubmit. *Cummings v. Tillamook County*, 26 Or LUBA 139 (1993).

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, it would seem logical that the potential of thousands more vehicles per year would also be removed from the proposal.

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 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

Multnomah County Commissioners  
1021 SW 4<sup>th</sup> Ave.  
Portland, Oregon 97204

September 6, 2000

**Regarding Case File CU 0-2**

**Commissioners: Please do not approve the Conditional Use Permit application for further development of Howell Territorial Park.**

The infrastructure of Sauvie Island can not support 20,000 more cars - not only the roads on the dike and all that is entailed in widening the approaches; or the bridge with new weight and speed limitations posted this year, but also, what would the impact of an *additional 20,000 people per year* have on the volunteer department as to the 911 Response -(these are the same people who respond to fires) ?

When the request came to this office regarding the new covered picnic tables, the response was that it would not be a significant impact on the volunteer fire department as far as fire suppression ( Putting out fires at picnic areas). At that time, we were not aware of the projection of significantly more people attending several more planned events.

The totally volunteer department we have worked so hard to build would be severely taxed. How many times on a Sunday would you be willing to run to an emergency accident, health problem, drug overdose, etc.? We have one tired bridge. Two lane roads. People live here.

The Sauvie Island Fire Department consists of 22 people as of this day. This includes the cadets and during the week, with most at work off the Island, that means the number of people arriving at a 911 call may be too few to take care of more than one incident within an hour or more of time. We are supported by a minimal tax base and a few contributions. How will the infrastructure of the Island be monetarily compensated for the additional people?

The request for the conditional use permit application for development within Howell Territorial Park brings up issues beyond the fire suppression issues. Please consider the entire story before making a decision.

Sincerely,

Don Posvar, Fire Chief, Sauvie Island Fire Department



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION DIVISION  
1800 SE 100TH AVENUE  
PORTLAND, OREGON 97233  
(503) 988-6060

BOARD OF COUNTY COMMISSIONERS  
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LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**TO:** Derrick Tokos, Multnomah County Land Use Division

**FROM:** Ed Abrahamson, Multnomah County Transportation

**DATE:** October 12, 2000

**RE:** Howell Territorial Park Conditional Use Application

NW Sauvie Island Road, adjacent to Howell Territorial Park, is classified as a Rural Collector Road. Multnomah County Street Standards require a 60' right of way and a 28' pavement width. NW Sauvie Island Road is currently substandard as it has a 40' right of way and a 20' pavement width and no roadway shoulder.

NW Sauvie Island Road, along the Howell Territorial Park frontage is elevated on a dike. The road's location on the top of the dike poses some difficult problems not normally encountered when road frontage improvements are required. Aside from the geometrics alone of adding improvements is the capability of the dike to support additional roadway, or what may be needed to expand and/or strengthen the dike itself.

NW Sauvie Island Road in addition to serving approximately 5,700 motor vehicles per day also receives heavy use from recreational bicyclists, joggers, etc. The narrow pavement width (20' actual vs. 28' needed) coupled with virtually no shoulder causes some safety concerns. Additional motor vehicle traffic could amplify dangerous safety conditions.

Placing a cap on the number of events will help limit but not eliminate these safety concerns. Metro has now defined an event that triggers a Traffic Management Plan (TMP) as one that constitutes having 300 participants (100 vehicles at 3 persons per vehicle) not more than 3 times per year. A special event may last no more than 4 days.

We believe that this definition is not sufficient and needs further refinement. Metro's proposed picnic shelters for Howell Territorial Park would allow for 240 visitors at one time (excluding those visiting the house or other on-site facilities). Presuming that there could be turnover of use for the shelters of twice per day, there is an opportunity for doubling the number of visitors to 480 per day. While these might be several "separate" events in and amongst themselves, they could cumulatively trigger the need to implement the TMP.



**Memo/Howell Territorial Park  
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What is required is for Metro to limit the use of the facilities through their permit process to ensure they remain at or below the cap of 240 visitors per day. Otherwise, the cumulative use would constitute a special event requiring implementation of the TMP. Should these cumulative events exceed 300 visitors per day, each individual day should be considered a special event requiring the TMP. Again, there can be no more than 3 special events per year.

Safety is a primary concern of the Multnomah County Transportation Division. As previously stated, NW Sauvie Island Road does not meet County standards with its narrow pavement width and lack of shoulders along the frontage of Howell Territorial Park. The location of the road on the dike makes it difficult to improve the roadway. Were the road not situated on the dike, the County would have required half-street improvements that at a minimum would be to add a 3' shoulder, but ideally an additional 4' of pavement width and a 6' shoulder. In addition to the lane widening and shoulder, a northbound right turn lane from NW Sauvie Island Road to NW Howell Park Road is needed to accommodate peak traffic for special events.

Most vehicle conflicts occur at intersections and access points. The intersection of Sauvie Island Road and Howell Park Road is one such point. A right turn lane would provide for safer ingress and egress at all times, not just for special events. Ideally, at a minimum, the right turn lane should be constructed to coincide with Howell Territorial Park's proposed improvements. The TMP might be capable of mitigating the need for the right turn lane, but it is not the best solution. The Transportation Division's concern is for the safety of the traveling public, and a right turn lane provides for safer travel on NW Sauvie Island Road.

EACK2382.MEM (TRAN230)

*Force*



: From Desk of Ali G. Bghtedari, P.E.  
 : Traffic Engineering/Right of Way Administration  
 : Phone 503-988 3050(X29622)  
 : e-mail [ali.g.bghtedari@co.multnomah.or.us](mailto:ali.g.bghtedari@co.multnomah.or.us)  
 : Fax. 503-988 3321

**MEMORANDUM**

**To:** Ed. Abrahameon  
**From:** Ali G. Bghtedari, P.E.  
**Re:** Howell Park  
**CC:**  
**Date:** October 24, 2000

*Mike Phelan # 29628*

I reviewed KAI letter of Oct. 18<sup>th</sup> addressed to Multnomah County Commissioners. Let me say that we Traffic Engineers like lawyers can come down on the facts anyway we like to, this applies to my colleagues at KAI as well. An example of this would be how KAI receives at 6.7% of peak hour percentage for access to Park. It is obvious that the concentration of traffic volume to access a park can not be compared to average daily traffic of a road that connects a rural/recreational community on the same scale.

The fact of the matter is that there is no national warrants for right turn lane, thus any state has its own defined criteria for having a right turn lane. Our case in hand per information provided fall into different stages based on the approach you take. Highway capacity manual has a graph that is based on a research in Minnesota and shows the 30<sup>th</sup> hour of a rural route would carry about 14% of AADT (TRB special report 209- figure 2.13). The same graph suggests about 25% for a recreational access route. Situation in Sauvie Island road is something between these two and use of 16% AADT seems to be acceptable, thus an hourly volume of  $5700 \times 16\% = 912$  would be reasonable for both directions and assuming the 60% directional divide, a 547 DVH would be appropriate. Based on this number and using 3B right turns, ODOT's criteria warrants a right turn lane. Graph used by KAI is Virginia DOT's and recommends use of average 11% of

**TRAFFIC ENGINEERING**

ADT for KxD, thus with  $5700 \times 11\% = 627$  and adjusted per graph for 45MPH = 607 and 38 right turn again it warrants a taper which is almost equal to add a right turn. I also attach a copy of Colorado DOT's criteria which again warrants this right turn lane.

What KAI is not paying attention to is that quality of life in Sawvie Island and residents concerns are more important to us than just the numbers. 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. I don't have much of comments on the congestion management plan.

Jan 29 02 04:49p

Kathy Andresen

503-621-9847

p. 1

# Fax

Please deliver immediately to:

of: Multnomah County Board of Commissioners

Fax number: 503-988-3013

Voice number:

Fax received from: Kathy Andresen

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Fax number: 503-621-9847

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Date: 1/29/02

Time: 4:48:27 PM

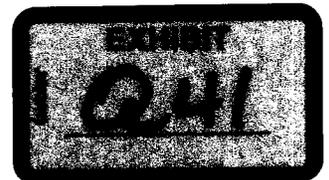
Number of Pages: 1

Subject: County File # CU 0-2 Metro Conditional Permit to

## Message:

I am a homeowner that lives on Sauvie Island. I would just like to say that I am opposed to Metro's request to develop the park. There are many practical reasons why the park should not be developed and I'm sure that they have been addressed. But there are other considerations -

We moved to the Island because of the quiet country setting. People that visit us here never fail to comment that when they cross that bridge onto the Island they feel they are going back in time. "It's like another world" They say in awe. If we keep developing everything, there won't be anyplace like that to come to. THE CHARM of the park is that IT IS NOT DEVELOPED. Country lanes, picnics under the appletrees on a blanket - The park is close enough to the city for people to enjoy this type of setting if they choose without driving too far and without having





1000 FRIENDS OF OREGON  
WILLAMETTE BUILDING  
534 SW THIRD AVENUE, SUITE 300  
(503) 497-1000 • FAX (503) 223-0073

Facsimile Transmittal Sheet

To: Deb Bogstad  
From: Carrie Kuerschner  
Company: Multnomah County Board of Commissioners  
Date: 1/29/02  
Fax number: (503-988-3013)  
Total no. of pages including cover: 3  
Phone number:  
Sender's reference number: 302  
Re: County File No CU 0-2

- Urgent     For Review     Please Comment     Please Reply     Please Recycle



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Southern Oregon Office • 33 North Central Avenue, Rm. 429 • Medford, OR 97501 • (541) 246-4535 • fax (541) 776-0443  
Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596  
Lane County Office • 120 West Broadway • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078

January 29, 2002

**SENT VIA FAX TO (503) 988-3013  
AND BY REGULAR MAIL**

Multnomah County Board of Commissioners  
c/o Deb Bogstad, Board Clerk  
501 SE Hawthorne Blvd., Suite 600  
Portland, OR 97214

**RE: Metro Conditional Use Permit to expand the Howell Territorial Park  
on Sauvie Island – County File No CU 0-2  
Final Rebuttal of the Sauvie Island Boosters**

Dear Commissioners:

1000 Friends of Oregon's review of Metro's proposal to expand the Howell Territorial Park on Sauvie Island raises a number of concerns with respect to the protection of agricultural lands, specifically the impacts to farm practices on the island.

**I. Parks in Exclusive Farm Use Zones**

State law limits the non-farm uses allowed in exclusive farm use zones, consistent with the state policy of preventing agricultural land from being diverted to non-agricultural uses. Under ORS 215.283(2)(d)(1999), provision applicable to this application, parks are allowed if "owned by a governmental agency or nonprofit community organization and *operated primarily by and for residents of the local rural community*" (emphasis added). As currently proposed, the expansion of the Howell Territorial Park is designed to serve the urban Portland area, in violation of these provisions.

In addition, Metro proposes a number of commercial activities that are not allowed in exclusive farm use zones, or in public parks within exclusive farm use zones (e.g., rental facilities for picnics, parties, weddings, receptions, and operation of a gift and coffee shop). Accordingly, these uses cannot be approved as part of a public park.

Multnomah County Board of Commissioners  
January 29, 2002  
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II. Satisfaction of Conditional Use Criteria

As a conditional use under ORS 213.283(2)(d), parks are subject to the conditional use criteria in ORS 215.296, namely a showing that the proposed use will not force a significant change in or significantly increase the costs of accepted farm or forest practices on nearby lands devoted to farm and forest use.

Based on the testimony of several farmers at the January 15, 2002 hearing, agricultural practices on Sauvie Island will be significantly affected by the proposed expansion, even with Metro's proposed conditions for approval. For example, Metro proposes to give farmers 14-21 days notice of large events so that farmers can plan alternative routes and the timing of farm-related activities. Such proposed conditions, however, do nothing to eliminate the identified affect on farming practices and therefore does not demonstrate, as required by ORS 215.296(2), satisfaction of the conditional use criteria.

1000 Friends of Oregon recognizes that parks are a valuable public amenity. Nonetheless, the present application raises concerns about significant impacts to farm practices, in contravention to the state agricultural lands policy.

Thank you for the opportunity to comment.

Very Truly Yours,



Caroline E. Kuerschner  
Staff Attorney