

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

---

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1-22-10

SUBJECT: Rocky Point Marina

AGENDA NUMBER OR TOPIC: R-3

FOR: \_\_\_\_\_ AGAINST: ✓ THE ABOVE AGENDA ITEM

NAME: Wallace STODDARD

ADDRESS: 23548 NW St Helens Rd

CITY/STATE/ZIP: Portland OR

PHONE: \_\_\_\_\_ DAYS: 503 847-2011 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: 100 ft Set Back

WRITTEN TESTIMONY: Renting space

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/21/10

SUBJECT: Rocky Pointe Expansion

AGENDA NUMBER OR TOPIC: R-3

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Ginger Curtis

ADDRESS: 23548 N.W. St Helens Road

CITY/STATE/ZIP: Portland Oregon 97231

PHONE: \_\_\_\_\_ DAYS: 1-503-543-7464 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: Yes

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



January 19, 2010

To: Multnomah County Board of Commissioners

From: Estella (Ginger) Curtis  
Happy Rock Moorage

Re: Rocky Pointe Expansion Hearing

Multnomah County Board of Commissioners,

My name is Ginger Curtis, owner of Happy Rock Moorage. Happy Rock Moorage lies south of the proposed Rocky Pointe Expansion project. There are some matters of concern I would like to address that affect my business.

Waterway setback- This is the most important concern. We need a wider setback (waterway) between the new expansion of Rocky Pointe Marina and Happy Rock Moorage than the original proposal of 50-feet. We need the ability to evict a tenant and my tenant needs to be able to move his house if he chooses. We already have a fifty foot by fifty foot floating home on that end that would not be able to move out with only a fifty-foot waterway and we have a space on the inside for a sixty-foot floating home. As a landlord, we have to abide by the Landlord Tenant laws of Oregon, which simply put means we need the ability to evict and they need the ability to leave. In addition, we have two fifty foot boat slips on that end. The boats in these slips need to be able to easily enter and leave their slips otherwise; we will not be able to rent them. That would be a loss of income for us. A boat needs (at least) its length plus  $\frac{1}{2}$  more of its length, which would be seventy-five feet to pull out or into their slips. It is doubtful that seventy-five feet will really be enough. It would be better to have one hundred feet if it is not easy for them to do this, they will not rent the slip.

In conclusion, we really need one hundred feet for a waterway between the expansion and Happy Rock Moorage. Mr. Tonneson suggested 50 to 60 feet and he would agree to move the house on the end if we needed more room to move a house. In the beginning, we thought

this would be enough but after discussion with boaters and floating home movers it became apparent that was not enough and we are not in favor of his suggestion. Having to rely on another marina's cooperation to move floating homes in and out is an awkward and uncertain position to be in. It also does not solve the problem with our boat slips. I would like the Commissioners and the hearings officer to consider the appropriate setback that would have the least impact on my business.

Parking- We have a very narrow one-lane access road to my moorage. It runs along the western side of the project. There are some natural cutouts that allow us to pull over for oncoming traffic. I want to be assured that there will be no parking in these areas or on our road and that signage will be provided to discourage parking. These cutouts are on railroad property and the railroad does not want these used for parking either.

Debris- Certain times of the year debris, such as logs, trees, misc. garbage floats downriver into the inside channel of our moorage. This collects on the inside walk of our entrance walkway and has to be pushed downriver. If we allow it to collect, it puts strain on our walkway besides becoming stagnant. At this time when we push it off, it float downriver onto Tonnesons' undeveloped 520 feet. Rocky point has a shirr log tied just above where their boats go in and out of their boat slips. Then they use a boat to push it off into the main channel. When this new expansion is in place there will be no room for a shirr log within the 50 feet he proposes between moorages. Some other method might have to be used. I am mentioning this because I don't want to lose the right that we have always had to remove debris.

If this project is approved, it is important that during construction my tenants have access in and out of the moorage.

I hope you will consider my requests if this project is approved.

Respectfully,

Ginger Curtis



DAVID CURTIS CONSTRUCTION

January 20, 2010

David Curtis

23528 NW St. Helens Rd.

Portland, Or. 97231

503-459-8179 Cell

Bonded and Insured

CCB: 142318

To Whom It May Concern: I build and move floating structures for a living. I have been doing this for more than 18 years and have a lot of experience in moving floating structures by river. I do live at Happy Rock Moorage and have seen the plans of the proposed site of the expansion of Rocky Pointe Marina. In order to move any house or floating structure in or out of Happy Rock Marina and the proposed expansion of Rocky Point Marina I would need at least 100 feet in order to do so.

I also own a 30' power boat and it is very difficult to move a twin engine boat at that length in tight areas. I would also recommended 100' for not just my power boat but for all the other boats including the sailboats that we have at Happy Rock Marina.

Thank you,

David Curtis

A handwritten signature in cursive script, appearing to read "David H. Curtis".

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/21/10

SUBJECT: Proposed ordinance amending Scuvie Island/  
Multnomah Channel Rural Area Plan

AGENDA NUMBER OR TOPIC: 2009

FOR: \_\_\_\_\_ AGAINST: X opposed to goal exception  
THE ABOVE AGENDA ITEM

NAME: Donna Matrazzo

ADDRESS: 19300 NW Scuvie Island Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: \_\_\_\_\_ DAYS: 503 621-3049 EVES: same

EMAIL: matrazzo@msn.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/21/2010

SUBJECT: Exemptions and permissims

AGENDA NUMBER OR TOPIC: T4-08-001 R-3

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Kim Atwill

ADDRESS: 23564 NW St. Helens Rd N8

CITY/STATE/ZIP: Portland, OR 97231

PHONE: \_\_\_\_\_ DAYS: 602-363-0622 EVES: \_\_\_\_\_

EMAIL: kimatwill1@gmail.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: The proposal submitted by Rocky  
Point Marina is vague, incomplete, and violates an easement with  
Happy Rock

WRITTEN TESTIMONY: Attached - presented

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

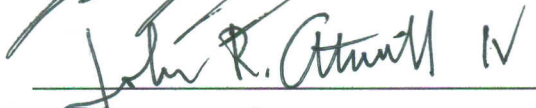
**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

This document is in response to Resolution No. T4-08-001 before the Planning Commission for Multnomah County, Oregon, on behalf of the Happy Rock Moorage Home Owners' Association (Registry No. 650615-91), a Mutual Benefit Domestic Non-profit Corporation.

\_\_\_\_\_, President David Jacob-Daub

\_\_\_\_\_, Vice-president Justin Seeliger

\_\_\_\_\_, Treasurer John Atwill

\_\_\_\_\_, Secretary Kim Atwill



Under review are two specific requests that, if approved, would allow Rocky Pointe Marina to extend approximately 520 additional feet to the south. This would then allow for 30 additional houseboat slips that would require 65 additional parking spaces.

The two requests require:

- 1) exemption to Statewide Planning Goals 11 and 14; and
- 2) permission to exceed the residential density limit of one floating home per fifty feet of waterfront in the Rocky Pointe Marina.

The 25 houseboat-owning members of the Happy Rock Moorage Homeowners' Association (HRMHOA), the moorage adjacent to the south end of the Rocky Pointe Marina's (RPM) planned expansion, would like the Planning Commission to consider the following concerns before making a final ruling:

With regard to the overall impact of the proposal and subsequent expansion of the south-side of RPM:

**HRMHOA concern:** While the members understand that the Planning Commission requires exemptions prior to considering the building plans for RPM, they are concerned that there is only a vague outline of what this expansion will actually look like when completed. The members of the HRMHOA hope that any exemptions and/or permissions do not insinuate or otherwise streamline the approval of the final project and building plans. RPM has not provided details regarding how this expansion will be undertaken without impacting the river, river life, vegetation, and the residents living at either moorage.

**In sum, the HRMHOA respectfully requests the exemptions and permissions be denied until greater detail be provided on a complete and comprehensive plan, including exact locations and dimensions of all proposal elements, and accompanying plans for minimizing negative environmental impacts during the expansion.**

With regard to request #1 (exemption to Statewide Planning Goals 11 and 14):

a. Statewide Planning Goal 14 restricts rural development outside of the Urban Growth Boundary to one dwelling per parcel.

**HRMHOA concern:** The applicants' description of the south-side expansion area is too general and lacks relevant details:

*Applicant: The exception area is basalt rock, wet, steeply sloped, or developed.*

The south-side expansion area in question is also a very thin strip of waterfront bounded on the west by a railroad line. There is a steep bank between the waterline and the existing one lane road, and a second steep bank from the one lane road up to the railroad. In support of their exemption to the Urban Growth rule, the applicants purport that RPM already is urban in many regards and propose adding 'urban' elements to the shoreline parallel to the waterway expansion to accommodate recreational pursuits (e.g., a dog walking lane, horseshoes, volleyball, and

picnicking). The specifics on how to carve all of this out of a 45-degree-plus steep bank are not provided, leading the HRMHOA to wonder about the value of this argument.

Second, the road that serves Happy Rock Moorage is, at points, only wide enough for one vehicle, with steep banks on either side. The HRMHOA is skeptical whether the terrestrial improvements can be accomplished without inconveniencing the tenants at Happy Rock, including NOT using Happy Rock's lower parking lot as a construction turn around and/or parking overflow area.

**In sum, the HRMHOA respectfully requests the exemption be denied until greater detail be provided on the locations of the proposed terrestrial improvements and how they will be achieved without negatively impacting the Happy Rock residents.**

b. Statewide Planning Goal 11: The HRMHOA does NOT disagree that the RPM south-side expansion would qualify as a 'committed exception'.

**HRMHOA concern:** The details of the proposed expansion are vague and incomplete. In particular, an easement has been previously established that extends between RPM and Happy Rock to allow for houseboats to move in and out from the north end, shore-side of Happy Rock. In the event of an eviction, for example, the owner of Happy Rock has the right to force a houseboat and its owner to vacate the premises. The initial 50 foot easement was increased to 100 feet in 2009 to adjust for the current houseboat located on the shore-side north end; this houseboat is approximately 75 feet in length and would require at least 100 feet to be moved out. If the current expansion drawings are accepted without additional detail, the drawing only projects a 45-foot easement.

**In sum, the HRMHOA respectfully requests that the exemption be denied until greater detail is provided on the proposed waterway expansion to ensure that it adheres to the 100 foot easement previously awarded.**

With regard to request #2 (permission to exceed the residential density limit of one floating home per fifty feet of waterfront):

**HRMHOA concern:** The proposed waterway expansion area is "approximately 520 feet" (specific measurements requested previously). The existing density configuration would allow 10 houseboats to be moored parallel to this length of shoreline. RPM is proposing to *triple* that density. The HRMHOA concedes that moorage space is scarce, however this should not override the purpose of the density limit—protecting the quality of the living spaces and the environment that surrounds them.

Again, RPM has provided vague and incomplete plans for:

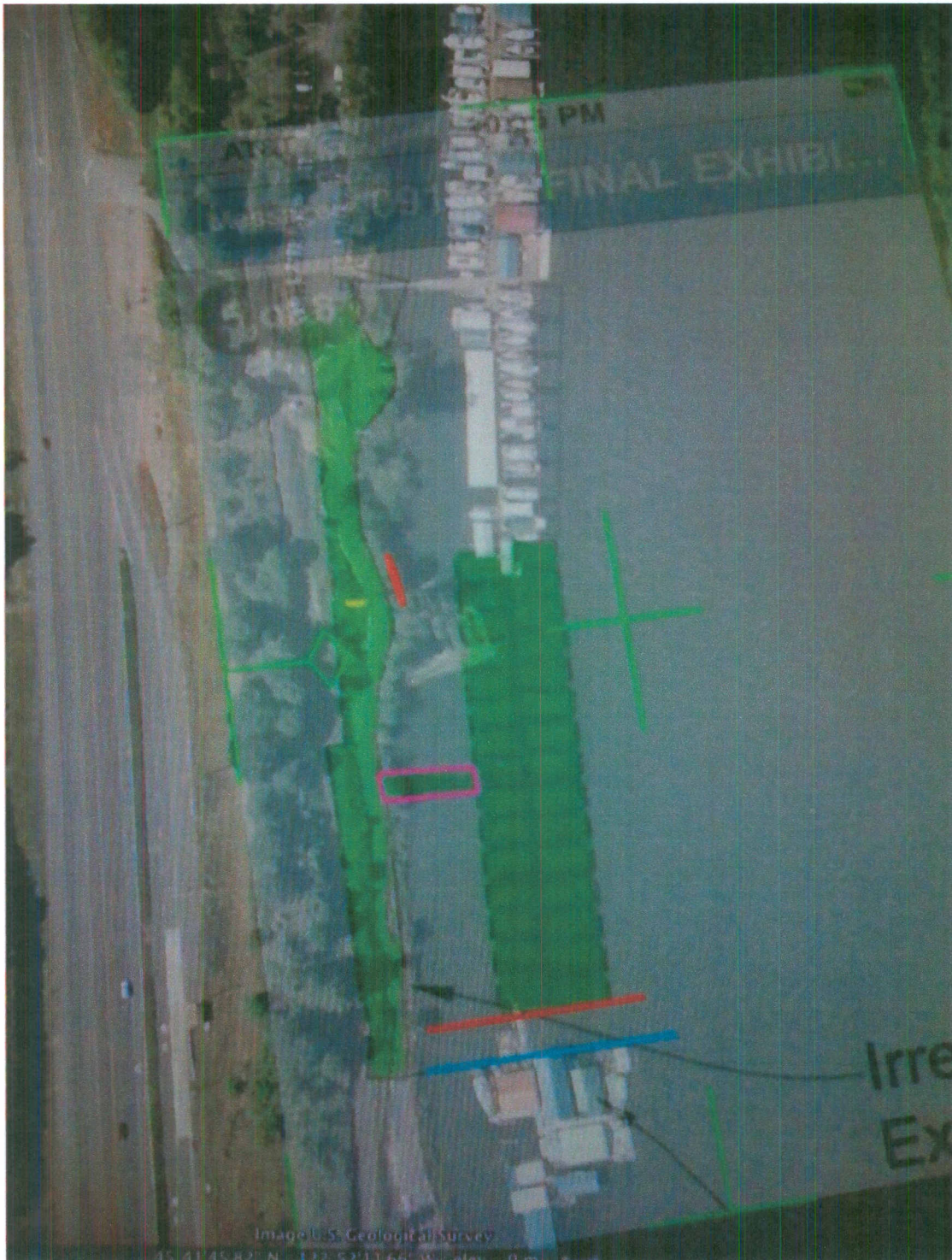
1. increased traffic on a one-lane road with numerous blind spots
2. increased pedestrians along identified one-lane road
3. increased traffic turning left (heading south) onto Highway 30



More significantly, RPM proposes to add 65 parking spaces to accommodate the residents who will reside in the proposed 30 additional houseboat slips. These 30 homes will 'float' along the moorage walkway parallel to the previously described thin strip of steep bank waterfront. Specifics on how RPM will create sufficient parking along this narrow passage is also lacking from the current proposal.

Estimating that a parking space is required to be at least 9' by 19', or 171 square feet, this would require more than 11,000 square feet of additional parking. RPM mentions filling in a portion of the river within the proposed expansion area along with a previously acquired permit to modify or fill in this area. Exactly how this will be done, and done *without* impacting the river, riverbank, and residents of either moorage is also not delineated.

**In sum, the HRMHOA respectfully requests that the permission be denied until greater detail is provided on how the additional density can be accommodated within a very small strip of land. Of course, HRMHOA also requests that regardless of the number of houseboat slips permitted, the waterway expansion adheres to the 100 foot easement previously awarded.**



Proposed expansion area in green. Blue line marks north boundary of Happy Rock Moorage. Distance between blue line and red line (south end of expansion) is egress easement; as depicted here is only 42'. Pink rectangle is location of proposed new ramp to access expansion houseboat slips. Red line along shore at north end of expansion marks 'assumed' area to be filled in to become parking spaces. The yellow marks the end of the parking area and is approximately 600 feet from the ramp.



#5a

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 21 Jan 2010

SUBJECT: Roddy Point

AGENDA NUMBER OR TOPIC: R-3

FOR: \_\_\_\_\_ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Brian H. Hickey

ADDRESS: 13342 NW Newberry Rd

CITY/STATE/ZIP: Portland

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: Have written test

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

January 21, 2010

TO: Multnomah County ~~Planning~~ Commission <sup>ers</sup>

FROM: Brian W. Lightcap  
13342 NW Newberry Rd  
Portland, Oregon 97231

RE: T4-08-001, Rocky Point Marina Expansion

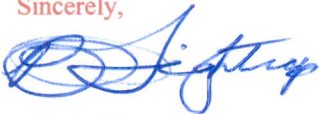
Honorable Commission Members,

I have a unique perspective on the marina development in Columbia and Multnomah Counties. I served with Corps of Engineers as wetland program leader, both in permitting and enforcement. I have met with Mr. Tonneson in the early ninties in order to have him avoid wetland fills. We also discussed an expansion he had in mind at that time.

We discussed the impacts that parking of trailers had at that time and how wetlands were degraded that way. I don't exactly remember what happened with his proposal to expand to the north. But ~~But~~ County approval was given for 40 units in 1993. I would like to know what the Corps permit number was, in association with the 1993 County approval.

I believe that for reference between 1993 and now, since Federal and State wetland decisions may have been made at that time, the Commission and staff should review any such decision. It may be relevant to future County decisions.

Sincerely,



Brian Lightcap

As a post note, the Commission should note that the far flung rural community in this area, known as West Hills and Island Neighbors fought the Wildwood regional landfill proposal near this marina. Also the SWCD board does have a history of commenting and involvement on the proposed regional landfill, that was to be built at Wildwood Golf course. We eventually got our state association, OACD to endorse our opposition to the landfill. Our actions definitely helped the desirability of living at Rocky Point. But, for this community effort, living at Rocky Point would have been entirely different.



#56

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 21 Jan 10

SUBJECT: Rocky Point Exposure

AGENDA NUMBER OR TOPIC: R-3

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: WEST MULTNOMAH SOIL & WATER BRIAN

ADDRESS: 2701 NW Vaughn St Suite 450 LIGHTCAP

CITY/STATE/ZIP: Portland OR

PHONE: \_\_\_\_\_ DAYS: 238-4775 x106

EVE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: Have written testimony

**IF YOU WISH TO ADDRESS THE BOARD:**

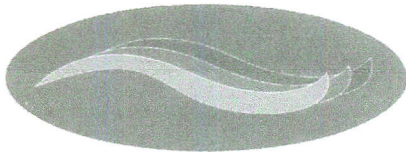
1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



# WEST MULTNOMAH



SOIL & WATER CONSERVATION DISTRICT

January 21, 2010

TO: Multnomah County ~~Planning~~ Commission *ers*  
RE: T4-08-001

Our board has voted unanimously that I represent the board's concerns regarding this expansion of facilities. The following are just a few of the matters of concern

- We note that in 1993 the County rejected an expansion to 50 houseboats, allowing only 40. The public deserves in plain language, how the staff can now reconcile an additional 23 (applicant proposed 36).
- Page 11. The project continues to move forward with apparent integrity even with its tainted history of code violations and according to conversations with DSL, fill violations.
- We note that agencies with more comprehensive decision roles such as the County, DSL and the USACE are working on this project, but other agencies DEQ, WRD are also work on separate decisions, well in advance of the County.
- Page 15. We are confused by the statements regarding the present use versus actual capacity of the of the waste treatment system. Was the applicant saying that no disturbance of vegetation or wetlands will be required with the 36 floating home expansion in association with waste treatment?
- Page 16. Non native species such as laurel and other plants are out of place in this wetland/floodplain area.
- Page 17. "Special area" designation of this or any other expansion because it is irrevocably committed to urban justification, is not a solution for floating homes built on and over public waters. Moorage development along the channel in both Columbia and Multnomah County has always been a concern. Does a special area designation help protect the Greenway's integrity?
- Page 19. The wetland impact areas are of great concern to the board. With all the impacts of miles of moorages, especially in Columbia County and as well as the Sauvie Island dike extending for 20 plus miles along the other side of the channel, the presence of all wetlands is very important. We will discuss ways to stress this point as we comment to the USACE and DSL. The USACE has to evaluate 26 public interest factors in its ultimate decision, including cumulative impacts. Un-enforced or unseen wetland fill violations are part of cumulative impacts, thus, diminishing the amount of wetlands that the applicant is divulging. Wetland degradation is also a cumulative impact.
- Page 41. Does the Commission believe that it is possible for the County to properly evaluate this matter because the Channel spans two counties. We would like to hear the Commission's view on which state, county or Federal agency can do a cumulative impact assessment. There are losses to shoreline vegetation quality, floodplain capacity, water quality, certainly esthetics (see page 49). That photo is just a small hint of cumulative impacts. Until this matter is dealt with, the notion of seriously deliberating beyond the very generous 1993 decision to allow 40 floating house is a moot point.
- Page 42. Unresolved parking issues were seen by staff; thus we don't know what the wetland and water quality impacts will be. Some idea of what the future will be on this matter would be to see the current parking constraints. Has there been wetland degradation or losses in attempt to address seasonal parking issues? This can not be evaluated just in a hearing room.
- Page 52. How important is it to point out that agencies such as the USACE, DSL, State Parks, Metro, ODFW and several others didn't comment.

It is very discouraging when private parties tread on the public trust by not adhering to earlier County and state decisions, especially when public land and waters are involved. The landowner, County, the public, and many agencies worked very hard in 1993 to make the decision with all the complex factors to allow 40 floating houses. What is different about the history between that 1993 decision and what the County is embarking on now. The channel is a rather narrow waterway with waterway commerce, some moorages and a very significant number of fisheries

2701 NW VAUGHN STREET, SUITE 450 ♦ PORTLAND, OR 97210

P: 503.238.4775 ♦ F: 503.326.3942

[WWW.WMSWCD.ORG](http://WWW.WMSWCD.ORG)



The West Multnomah SWCD and all its partners are working very hard for the last ten years for the restoration of Sturgeon Lake (connected to Multnomah Channel) and restoring juvenile salmonid rearing areas. We have been very successful at overcoming numerous environmental hurdles, gaining the attention and financial support of natural resource agencies and organizations. Water quality and habitat along the channel is an important factor for our projects success. We will always be concerned about developments along the channel. The above comments highlight our concerns and we ask that you provide the board an additional opportunity to comment in the areas mentioned above. There are other comments and information that the board may wish to provide after more discussion at our board meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Lightcap", written over a horizontal line.

Brian Lightcap  
Chair WMSWCD

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/24/10

SUBJECT: Rocky Pointe Marina

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Chris Foster

ADDRESS: 15400 NW McNamara Rd.

CITY/STATE/ZIP: Portland OR 97231

PHONE: \_\_\_\_\_ DAYS: 503-621-3564 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: yes

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



January 20, 2010

Christopher H. Foster  
15400 NW McNamee Rd.  
Portland OR 97231

Multnomah County Board of Commissioners

RE: Case File T4-08-001; Rocky Pointe Goal Exceptions 11 & 14

Dear Commissioners,

This case came to the Planning Commission last Spring. It was not easy. I believe that Goal Exceptions are a serious matter worthy of your careful consideration. This is especially so here, because this is first of several similar ones that might come forward in the near future. After re-examining this case, my own personal view is that part of the area possibly meets the Goal Exception standard, but part of it does not.

### **Is the Expansion Area Irrevocably Committed to Urban Use?**

I would like to focus your attention on just one of the findings that must be made to grant the Goal Exceptions. That finding has to do with the open waterway expansion area that is in public ownership. The applicant recently purchased the shoreline and added it to the existing parcel. The finding must be that the vacant water area is “irrevocably committed” to residential use at urban densities. The Staff argues that by the mere fact that homes are among the several uses allowed, it is thereby committed.

Simply stated, the trouble with finding this area irrevocably committed is the the applicant neither owns the property nor is it currently developed. This is open waterway owned by the public. Further, the state lease by which the the applicant may use this area is by law revocable. There are a number of uses allowed here including docks, boat slips and services none of which needs a Goal Exception. I would argue that these uses are actually the predominate use on the Channel. Only the residential use at urban density requires Exceptions.

### **What's Next**

If the Board finds all areas here meet the “irrevocably committed” standard, the range of additional dwellings is from 0 to 23. If the finding is that the expansion area does not meet the standard, but the existing developed areas does, that range will be set lower. The exact number will be determined by a hearings officer after considering numerous regulations, environmental and safety concerns. Those issues include but are no limited to additional permanent shading of the water as a detriment to salmon survival, recreational access, whether or not any additional parking can legally be added to the floodplain, wetland fill issues, facilities including the sewage treatment lagoon that are subject to flooding, and traffic safety concerns regarding rail crossing and highway access.

### **The Context**

The policy issues in the background are inescapable. They range from how rigorously we should test Goal Exceptions (they are not mandatory and we can set additional tests), to the issues like to what degree we should be encouraging additional non-water dependent uses on the public waterway. There are a host of environmental questions too. I'm wondering whether granting the full Exception request will end up violating more County policies than it it satisfies. Beyond the decision, this is the Board's sole opportunity to comment or offer guidance to a hearings officer on this application. A step further is whether or not the Board should propose it own limitations under MCC1.15. 7115.

#7

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/20/10

SUBJECT: R-3 Sawvix Island

AGENDA NUMBER OR TOPIC: R3

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Peter F Fry

ADDRESS: 3125 SW Main #105

CITY/STATE/ZIP: Portland OR 97205

PHONE: \_\_\_\_\_ DAYS: 503-274-2747 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.