

Transmittal

River's Bend Marina
27448 Northwest Saint Helens Road
Scappoose, Oregon 97056
503-543-6223

HAMER, Jan
August 27, 2015
Agenda #: R.1



August 24, 2015

Multnomah County Commissioners

Jules Bailey

Diane McKeel

Loretta Smith

Debra Kafoury- Chair

Judy Shiprack

Re: Sauvie Island/Multnomah Channel Rural Area Plan-
Marina/Moorages

Dear Commissioners:

*Houseboats and policy 26

As an active member of the Citizens Advisory Board, I am submitting these comments on behalf of the Marina/ Moorages on Multnomah Channel. As a whole, they are a very small group of communities but an important part of Multnomah County's diverse housing population and unique history.

Mr. Mark Hess, a Multnomah County Planner at that time, wrote a one of a kind, very comprehensive report, dated February 19, 1992, titled "Houseboat Densities and Related Marina Issues. It studied and supported planned but slow growth opportunities in the Channel through the regulatory process document, "Policy 26", adopted in 1977. I highly recommend you read a copy prior to adopting any new amendments. During the CAC process, the

MULTNOMAH COUNTY
PLANNING SECTION

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Marina/Moorage sub-committee recommended to allow the existing Marina/moorages, only be allowed to reconfigure to fit in more houseboats if requested, within their existing Division of State Lands waterway lease boundaries. Policy 26 is very limiting in its application of the "one per 50" standard. The addition of new houseboats in the existing moorages, has been very slow over the years because of very limited parking space availability, sewer system capacity limits within existing marina/moorages and meeting the remaining list of County sighting criteria. As an example, there have been over 20 plus slips available slips open for the last two years, with only one being occupied last year.

The County Planning Group seems to base their reasoning for restricting the marine communities on their interpretation of the "Urban and Rural Reserve Program". Many documents were published and handed out stating that your existing land uses and zoning would remain the same. Example attached.

Also attached are County staff reports and Case file # C10-99 resolution documents that define floating structures i.e. including houseboats and verify that they are water dependant.

I recommend that policy 26 remain as County Code.

*Goal 14

Please note that in Steve Morasch's letter submitted to you last week, noted that the statements made at the Planning Commission Hearings by the County Planning staff that described the LUBA Decision on Goal 14, were inaccurate and negatively influenced the Planning Commission's recommendation on the amendments on Marina/Moorages.

*Live-a- board Boats

The remaining documents attached, strongly supports that boats are not to be treated as dwellings as the county has pro-ported.

DEQ mandated years ago, that a marina slip that could fit a boat big enough to live on or use as extended stay on the water, must have a hard sewer connection point available nearby and a system for pumping it as noted in the attached documents. Some of the existing Marina'Moorages in the Channel are currently set up that way if they have the sewage disposal capacity, however there are currently very few boats that are moored and used as extended stay or full time live-a-board boats.

Affordable housing in the Metro area is always in the news and in grate need and supported and regulated by the Tri-Counties and several state agencies. Other than the so called Portland low income high rise apartments and other low income (affordable housing) projects all around the METRO area, "Manufactured Housing Parks" like some marina/ moorages facilities, are examples of housing for low income people and families.

LIVE -A-BOARD BOATS ARE THE RIVER COMMUNITIES VERSION OF "AFFORDABLE HOUSING" WHERE APPLICABLE.

I recommend it continue to be allowed in a limited way where the Marina/Moorges meets the criteria established during the Rural Area Plan hearings and work sessions and the vessel not be counted as a dwelling against the policy 26 "one per 50 foot" density limit but be limited by the sewage capacity of the facility and slip availability within existing waterway foot prints.

Thank you for your consideration.

River's Bend Marina



Jan R. Hamer

cc: Kevin Cook-Multnomah County Planning

Urban and Rural Reserves



How would an urban or rural reserve designation affect my property?

If you own land outside the current Portland metropolitan area urban growth boundary (UGB) and it lies within an area that is designated later this year as an urban or rural reserve, there will be **no change** to the legal use of your land. All current land use regulations and zoning remain the same and still apply.

A **rural reserve designation** means that your rural land will not be considered for inclusion within the UGB for the next 40 to 50 years. Aside from that, there are no changes. All other current legal uses remain the same. A rural reserve designation does not serve as a basis for a Measure 49 claim as the designation, by itself, does not reduce the current zoning of the property.

An **urban reserve designation** means that your land will be among lands around the region that Metro will consider for inclusion within the UGB over the next 40 – 50 years. Metro is required by state law to maintain a 20-year supply of buildable land inside the boundary. Every five years, Metro conducts an inventory of buildable land, forecasts population growth for the next 20 years and, if necessary, expands the UGB accordingly. The next UGB expansion consideration is required by state law in 2010.

Not all land will be designated as an urban or rural reserve. If your land is not designated as urban or rural reserve, your land use regulations and zoning are remain unaffected.

What would a rural reserve designation mean for my community?

An urban or rural reserve designation will prevent the Clackamas, Multnomah and Washington counties from amending land use regulations to allow new uses or smaller lots or parcels than were allowed at the time of the designation. This means that if a rural unincorporated community is designated as a rural reserve, land owners within that community cannot modify zoning to accommodate more growth (known as "up-zoning") for the next 40 to 50 years.

If my property is in an urban reserve, when will it come into the UGB?

Being designated an urban reserve provides no indication when or even if your property may be drawn upon for inclusion in the UGB. Part or all of an urban reserve may be added to the UGB if and when Metro determines there is need to accommodate growth in that area.

Additional information is available at: www.oregonmetro.gov/reserves

**LAND USE PLANNING DIVISION**1600 SE 190TH Avenue Portland, OR 97233

(503) 988-3043 FAX: (503) 988-3389

<http://www.multnomah.lib.or.us/lup/home/welcome.htm>

January 27, 2000

Re: Moorage definitions (Case file # C 10-99)

Dear Moorage Owners:

We'd like to hear from you regarding this proposal. Enclosed you will find the agenda and staff report for an upcoming public hearing held before the Planning Commission regarding changing or adding definitions for floating homes, boat houses and combos to the Multnomah County Code. Please take a moment to look the material over and provide any comments you wish.

To comment on this proposal, you may write to or call the Planning Division or attend and speak at the hearing. Instructions for submitting written comments can be found on the agenda.

Please call me if you have any questions at 988-3043. Thank you for your consideration of this planning amendment.

Sincerely,

Virginia Dodson
Land use planner

CHERIE SPORANDO
FRED'S MARINA
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PORTLAND, OR 97231

MIKE YERGER
LUCKY LANDING
4904 WILLAMETTE DR
VANCOUVER, WA 98661

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A-1 MOORAGE
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DANA OLSEN
MARINA WAY MOORAGE
13000 NW MARINA WAY
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JANET LARSON
LARSON'S 1 & 2
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PORTLAND, OR 97231

STEVEN PIZZA PRES.
CHANNEL ISLAND MARINA ASSOC
14555 NW LARSON RD
PORTLAND, OR 97231

JODY SHEER
BRIDGEVIEW INVESTMENT CORP
14900 NW MILL RD
PORTLAND, OR 97231

GRANT JOHNSON
SAUVIE ISLAND MOORAGE
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CONNIE PARKER
PARKERS MARINE
18015 NW SAUVIE ISLAND RD
PORTLAND, OR 97231

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MAYFAIR MOORAGE INC
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PORTLAND, OR 97231-1331

JOSH ENYART
CLARENCE MULLICAN'S BOOM
15499 SW TWIN FIR RD
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GINGER & CURTIS CURTIS
HAPPY ROCK MOORAGE
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ROCKY POINT MARINA
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PORTLAND, OR 97231

RICHARD & DELLA SCHENDEL
SCHENDEL'S BIG OAK MARINA
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SHERRY CASSELMAN
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00 JAN 27 PM 1:14
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PLANNING SECTION



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING
1600 SE 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

PLANNING COMMISSION AGENDA

DATE/TIME: February 7, 2000 @ 6:30 p.m.

PLACE: Multnomah County Planning Office, Room 103
1600 SE 190th Ave., Portland Oregon 97233

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes from January 24, 2000
- IV. Opportunity for Public Comment on Non-Agenda items
- V. Director's Comments
- VI. Public Hearing regarding the definitions of Houseboat, boathouse and combo. MCC .0010; .2132 & .7505 C 10-99.
- VII. Public Hearing to consider Emergency/Disaster Response Provisions MCC .11.15 C 11-99.
- VIII. Adjournment

* Material delivered to the address above ten days in advance of the meeting will be distributed to the commission. If bringing written materials to the meeting, please give the Commission Staff twelve copies for the commission and staff.

The next Planning Commission meeting will be March 6, 2000



LAND USE PLANNING DIVISION

1600 SE 190TH Avenue Portland, OR 97233

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Staff Report *For a Public Hearing before the Planning Commission* *on February 7, 2000*

DEFINITIONS FOR HOUSEBOATS, BOATHOUSES AND COMBOS **Case File: C 10-99**

Proposal:

Policy 12 of the Sauvie Island Rural Area Plan states that "The County zoning code should be consistent with the County assessor and the state regarding the definitions of houseboats, boathouses and combos. For purposes of density calculations, "houseboats" shall be defined as 1) any houseboat, and 2) any boathouse or combo which is used as a residence (occupied 7 or more days per month)."

On February 7, 2000, the Planning Commission will conduct a public hearing on a legislative plan amendment, initiated by the Multnomah County Land Use Planning Division. If approved, new definitions will be added to the Multnomah County Code, conflicting definitions removed, and sections changed for consistency.

Background/Analysis:

The "Sauvie Island Rural Area Plan" Policy 12 states that "There has been a problem with regards to the numbers of units allowed and permitted under existing approvals depending on the definition of dwelling the County uses. There have also been recent revisions to the assessor's definitions that may be even more of a problem. The County Zoning code decides whether a structure is a dwelling based on information regarding kitchen and restroom facilities. The County assessor make the determination based on different information, as does the State of Oregon. The issue becomes a problem when the County staff uses the assessor's information to determine the number of dwellings existing within a moorage/marina and consistency becomes an issue of real importance to the moorage owners."

Staff surveyed both the Division of State lands (DSL), the Marine Board, and the County Assessor for their definitions for boathouse, houseboat and combination boathouse (combo). Staff also reviewed existing definitions already in the MCC. Below are listed the findings from this review.

Existing definitions from the Multnomah County Code:

- Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility. *From 11.15.7505 Waterfront Uses CU*

- Houseboat moorage shall mean the provision of facilities for two or more houseboats. *From 11.15.7505 Waterfront Uses CU*
- Dwelling Unit – a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. *From 11.15.0010 Definitions*

The Division of State Lands (DSL) Administrative Rules have the following definitions:

- "Boat House" means a covered or enclosed structure used exclusively to store, shelter, or protect a boat or boats and boating equipment.
- "Combination Boat House" or "Combo" means a boat house which is combined with, attached to, or a part of a floating home, or which includes facilities which could be used as a dwelling.
- "Floating Home" means a moored floating structure that is secured and stationary and is used primarily as a dwelling and not as a boat or floating recreational cabin.

State Marine Board has the following definitions from ORS 830:

- "Boat" means every description of watercraft used or capable of being used as a means of transportation on the water, but does not include aircraft equipped to land on water, boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.
- "Boathouse" means a covered structure on floats or piles used for the protected moorage of boats.
- "Floating home" means a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not as a boat.

Multnomah County Assessment & Taxation Department:

- Boathouse (BH) is a covered area for a boat
- Houseboat (HB) is a dwelling or floating home
- Combo (BH/C) is a combination boathouse and houseboat where the dwelling area is less than 50% of the total area. (HB/C) is a combo where the dwelling area is more than 50% of the total area.

Staff finds the use of the terms 'boathouse' and 'houseboat' confusing. A houseboat could also refer to a boat that is lived in. To avoid confusion and be consistent with the DSL definitions, staff recommends substituting 'floating home' for 'houseboat' and using DSL's definition for 'floating home'. A 'Combo' is another term used by DSL and the Assessment and Taxation Department. There is no definition for it in the Multnomah County Code. Because a combo is a type of dwelling unit, it is important to include it when calculating densities, regardless as to how much area is devoted to living space. Therefore, staff recommends adding the term 'combo' into the definition sections and using DSL's definition.

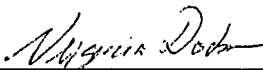
Defining the term 'boat', using the Marine Board's list of definitions, clarifies that a boat is not a boat house and is not a floating home. Thus, boats will not be counted as dwelling units when calculating densities for development under the County's current regulations. Boat house is also not defined in the Multnomah County Code, but boat houses and boat house moorages are a listed Community Service use. Therefore it is important to define what a boat house is and isn't. Again, staff recommends using DSL's definition for boat house.

Policy 12 also directs the County to calculate densities of dwellings within moorages based on the number of houseboat (floating homes) and boathouse or combos which are occupied 7 or more days per month. Under the Waterfront Uses section of the Code (11.15.7510), therefore, language has been changed to reflect this policy direction. Other proposed revisions to the Code are to substitute, where appropriate, old language for the new terms as defined. Also note that Comprehensive Plan Policies 24 and 26 were altered to reflect the new terms and density definitions.

Recommendation:

Staff recommends the Planning Commission conduct a public hearing and recommend to the County Board of Commissioners that they amend the Multnomah County Code by defining floating home, boat, boathouse, and combo, and changing related code provisions and the Comprehensive Plan Policies for consistency with the Sauvie Island Rural Area Plan.

**Multnomah County Department of Environmental Services
Land Use Planning Division**

By: 
Virginia Dodson, Planner
For Kathy Busse, Planning Director
Date: February 7, 2000

Attachments:

- Draft resolution for Planning Commission approval of this item
- Draft copy of an ordinance for the Multnomah County Board of Commissioners which contains a decision approving the proposed change.

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an Ordinance
amending MCC Chapter 11.15, the Zoning Ordinance,
to adopt definitions for floating home, boat, boathouse,
and combo, and change related code provisions and
the Comprehensive Plan Policies for consistency with
the Sauvie Island Rural Area Plan.

**RESOLUTION
C 10-99**

WHEREAS, the Planning Commission is authorized by Multnomah County Code Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan; and

WHEREAS, the Draft Ordinance, hereby attached to this Resolution as Attachment A, sets forth the Findings necessary to justify this plan change; and

WHEREAS, notice of the Planning Commission public hearing was sent to floating home moorages in Multnomah County; and

WHEREAS, the Planning Commission considered these amendments at a public hearing on February 7, 2000, where all interested person were given an opportunity to appear and be heard.

NOW, THEREFORE BE IT RESOLVED that the Multnomah County Planning Commission hereby recommends that the attached draft ordinance, containing changes and additions to the Multnomah County Code and Comprehensive Plan Policies, be adopted by the Multnomah County Board of Commissioners.

APPROVED this 7th of February, 2000

By _____
John Ingle, Chair
Multnomah County Planning Commission
Multnomah County, Oregon

Original Issue: The County needs an accurate inventory of all existing moorages and marinas

- ✓ **Policy 9: The County should develop and maintain a current inventory of all marinas and moorages.**

Discussion: If the County is to legalize all existing marinas and moorages, an accurate account of all floating structures on the channel must be done as soon as possible.

Original Issue: The definitions of floating structures need to be updated/revised

- ✓ **Policy 10: The County zoning code should be consistent with the County assessor and the state regarding the definitions of houseboats, boathouses and combos. Houseboats should be redefined to: floating structures (excluding vessels) that are habitable (defined as having a potable water ~~and sewer~~ hookup) including houseboats, combos and boathouses.** *Supports issue that boats are not dwellings*

Discussion: There has been a problem with regards to the numbers of units allowed and permitted under existing approvals depending on the definition of dwelling the County uses. There have also been recent revisions to the assessor's definitions that may be even more of a problem. The County Zoning Code decides whether a structure is a dwelling based on information regarding kitchen and restroom facilities. The County assessor makes the determination based on different information as does the state. The issue becomes a problem with the Planning Section uses the assessor's information to determine the number of dwellings existing within a moorage/marina and consistency becomes an issue of real importance to the moorage owners.

Original Issues: Log storage should remain as a use permitted outright

With regards to uses allowed in the channel, the subcommittee embarked on a task of ranking and prioritizing all uses by 7 criteria: water environment impacts, land environment impacts, aesthetics, safety, economic, recreation and residential. Within each of these criteria was a range of 1 to 9 additional factors that the uses were ranked by in terms of impact to the criteria. An example of the worksheet is attached. The committee then ranked the use against the impact with a range of -3 to +3. Each major criteria was given a weight of importance based on the values of the subcommittee. After all of the votes were in, the committee came up with a ranking of desirable uses for the channel.

- Policy 11: The County zoning code should be updated to reflect a less burdensome application procedure for moving to more desirable uses in the channel.**

Comp Plan, 1983

2. Mobile homes on individual lots in all Urban Residential Districts except Urban Future must:
 - a. have a minimum floor area of 1,000 square feet;
 - b. have a pitched roof with a pitch of at least a nominal three feet in height for each 12 feet in width (3:12);
 - c. be placed on an excavated and back-filled foundation and enclosed at the perimeter;
 - d. be manufactured after June 15, 1976, and carry a State insignia indicating compliance with Oregon State mobile home construction or equipment standards;
 - e. be multisectional. A "tip-out" or "expandable" unit is not considered to be a multisectional home; and
 - f. be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.

B. Rural and Natural Resource Areas.

1. Mobile homes within the rural and natural resource areas shall be permitted on individual lots, subject to:
 - a. standards relating to foundations and other improvements specified in the Community Development Ordinance; and
 - b. meeting the most recent mobile home standards, as set forth by the State Department of Commerce.

POLICY 26 HOUSEBOATS

Supports issue

that houseboats are water dependent

THE COUNTY, IN ORDER TO PROVIDE A BROAD RANGE OF HOUSING OPPORTUNITIES FOR ITS CITIZENS, RECOGNIZES HOUSEBOATS AS A HOUSING OPTION. THEREFORE, IT IS THE COUNTY'S POLICY TO PROVIDE FOR THE LOCATION OF HOUSEBOATS IN A MANNER WHICH ACCORDS WITH: ✓

- A. THE APPLICABLE POLICIES IN THIS PLAN, INCLUDING POLICIES 2 (OFF-SITE EFFECTS), 13 (AIR, WATER, NOISE), 15 (WILLAMETTE RIVER GREENWAY), 16 (NATURAL RESOURCES), 21 (HOUSING CHOICE), 24 (HOUSING LOCATION), 32 (CAPITAL IMPROVEMENTS), 34 (TRAFFICWAYS), 36 (TRANSPORTATION SYSTEM DEVELOPMENT), 37 (UTILITIES), and 38 (FACILITIES).
- B. ANY OTHER APPLICABLE FEDERAL, STATE OR LOCAL POLICIES THAT REGULATE WATERWAY AREA DEVELOPMENT.

C. THE FOLLOWING CRITERIA FOR LOCATING OR EXPANDING A HOUSEBOAT MOORAGE

1. THE MEAN LOW WATER LINE EXCEEDS FIVE FEET;
2. THE MOORAGE AREA SHOULD BE PROTECTED FROM SILTATION PROBLEMS WHICH MIGHT REQUIRE COSTLY DREDGING TO ACHIEVE THE PROPER WATER DEPTH;
3. THE MOORAGE IS ADEQUATELY PROTECTED FROM THE ADVERSE EFFECTS OF WIND, WAVE ACTION, ICY CONDITIONS, AND OTHER HAZARDS;
4. ADEQUATE LAND AREA EXISTS TO ACCOMMODATE PARKING AND ANY ACCESSORY BUILDING REQUIREMENTS;

AGENDA

SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN CITIZENS' ADVISORY COMMITTEE

Tuesday, March 26, 1996
7:00 PM to 9:00 PM
SAUVIE ISLAND SCHOOL

1. Call to Order
2. Environmental Quality & Natural Hazards Review
3. Environmental and Natural Resources
4. Public Facilities
5. Questions/Other Matters
6. Adjournment

*Page 13 discussed
3 Agency Guidelines for
sewer connections for
live-a-board boats.*

Questions? Please contact Gordon Howard or Susan Muir at 248-3043

soils, and nutrient filters to the lake, 5) exploring opportunities to conduct selected dredging to increase depth, flows and flushing and circulation action in Sturgeon Lake, and to minimize temperature increases, 6) providing adequate sanitation facilities to prevent human wastes from entering lakes, 7) controlling boating activity and speeds to minimize shoreline erosion due to wave action and 8) conducting a shoreline inventory that may include vegetation, erosion, soil compaction.

The 1985 Atlas of Oregon Lakes identified Sturgeon Lake as a: "Large, shallow mud-bottomed lake located on Sauvie Island. Water quality problems include siltation and very high turbidity; the lake also experiences algae blooms and high bacterial counts. Hydraulic modifications over the years have exacerbated the sedimentation problem. Recommendations for rehabilitation include re-opening Dairy Creek, thereby re-establishing natural flushing from the Columbia River. Funding for this proposal has been difficult to obtain."

The 1992 federal Clean Vessel Act prohibits discharge of sewage from marine toilets on all freshwater lakes and reservoirs. Boaters must use Coast Guard-approved marine sanitation devices on the Columbia, Willamette and Snake Rivers and on navigable portions of coastal waters.

Marinas and moorages along Multnomah Channel have four basic sewage-producing types of boats or floating structures; 1) floating homes, 2) boathouses, which are primarily for interior boat storage, but may have a small living unit within the structure for "weekend" use, 3) live-aboard boats, and 4) transient boats, which may dock at a facility during the day.

Currently, the Oregon Department of Environmental Quality, the State Marine Board, and the Division of State Lands are discussing appropriate sewage disposal regulations for new and existing marinas and moorages. The Department of Environmental Quality is requiring that all marinas and moorages provide a "hard" connection to city sewer or a private sewage disposal system for all floating homes and boathouses that are plumbed for sewer (even if they are not connected to a water system). New marinas and moorages are also required to have a "hard" connection for each "live-aboard" boat slip. The major discussion point remaining regards "live-aboard" boat slips in existing moorages. Alternatives include requiring "hard" connections at the time of any Division of State Lands lease renewal, or instead requiring easy access to a portable "pump out" facility, along with proof of its actual use. The Department of Environmental Quality has no authority to require sewage disposal facilities be available for "transient" boats -- it is considered the responsibility of the boat owner to safely and legally dispose of his or her sewage. However, it is within the authority of Multnomah County to require pump out facilities be made available for "transient" boats at marinas and moorages which provide service to such boats.

A final type of marine use in Multnomah Channel is the illegal houseboat or anchored live-aboard boat, which dumps its sewage directly into the channel in violation of the