

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

**ORDER NO. 2023-090**

Approving an Amendment to the Multnomah County Comprehensive Plan to Designate the North Tualatin Mountains Nature Park as a Local Public Park and Approving Application for Permits in Land Use Case No. T3-2017-9165/T4-2017-9166/EP-2017-6780, Subject to Conditions.

**The Multnomah County Board of Commissioners Finds:**

- a. Metro is a regional government entity that serves Multnomah, Clackamas, and Washington counties.
- b. As described in Chapter 8 of Multnomah County's Comprehensive Plan, Metro is a parks service provider that owns and operates a number of park and recreational facilities, as well as natural areas and nature preserves, in Multnomah County.
- c. The North Tualatin Mountains are located in the West Hills Rural Plan Area of Multnomah County, northwest of Forest Park, west of Highway 30 and the unincorporated community of Burlington, and east of both NW Cornelius Pass Road and NW Kaiser Road.
- d. Within the North Tualatin Mountains are four forest units owned and operated by Metro: Burlington Creek Forest, McCarthy Creek Forest, Ennis Creek Forest, and North Abbey Creek Forest ("North Tualatin Mountains Nature Park").
- e. In its role as a parks service provider, Metro released its North Tualatin Mountains Access Master Plan ("Master Plan") in April 2016, after over two years of public outreach and input. The Master Plan provides Metro with a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains, and specifically the North Tualatin Mountains Nature Park.
- f. As part of its implementation of the Master Plan, Metro sought two sets of land use approvals from the County (the "Metro Applications"). Metro sought a Comprehensive Plan amendment to designate the North Tualatin Mountains Nature Park as a local public park in Land Use Case No. T4-2017-9166. Metro also sought a Conditional Use permit, and associated land use permits, to develop trails, bridges, a boardwalk, a restroom, a parking area, and an information kiosk in the Burlington Creek Forest unit in Land Use Case No. T3-2017-9165.

- g. On February 6, 2023 and March 6, 2023, the Multnomah County Planning Commission held public hearings on the Metro applications.
- h. Before and at the February 6, 2023 and March 6, 2023 hearings, there was an opportunity for the public to provide written and oral testimony. In addition to the applicant's presentation and testimony, members of the public testified both in favor and against the proposal.
- i. After deliberation, the Planning Commission adopted the findings and recommendations of the Staff Report attached as Exhibit 1 including approval of the Type IV Comprehensive Plan amendment, the Type III Community Service permit and associated development permits subject to the recommended approval conditions in the Staff Report (Exhibit 1) as further explained in the findings contained in the Planning Commission Order Number T3-2017-9165/T4-2017-9166/EP-2017-6780 (Exhibit 2).
- j. On October 26, 2023, the Multnomah County Board of Commissioners held a public hearing on the Metro applications. At the hearing, there was an opportunity for the public to provide written and oral testimony. In addition to the applicant's presentation and testimony, members of the public testified both in favor and against the proposal.

**The Multnomah County Board of Commissioners Orders:**

1. The findings of fact, statement of reasons, and recommendations contained in the T4-2017-9166 staff report, attached hereto as Exhibit 1, are adopted and approved by the Board of County Commissioners and demonstrate that the Multnomah County Comprehensive Plan should be amended to designate the North Tualatin Mountains Nature Park as a public park for the purposes of the definition of "local park" in OAR 660-034-0010(8).
2. The Multnomah County Comprehensive Plan is amended to designate the North Tualatin Mountains Nature Park, as described on the attached Exhibit 2, and further depicted in maps contained in Exhibit 1 as a public park for the purposes of the definition of "local park" in OAR 660-034-0010(8). If there is any conflict between the map and the legal descriptions in Exhibit 2, the legal descriptions shall control.
3. The Multnomah County Comprehensive Plan shall acknowledge the amendment in the manner provided in the Administration Section of the document.

4. The findings of fact, statement of reasons, and recommendations contained in the Planning Commission Order, attached hereto as Exhibit 2, are adopted and approved by the Board of County Commissioners. The permits sought are approved, subject to the conditions set forth in Exhibit 1.

**ADOPTED this 26th day of October, 2023.**



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Jessica Vega Pederson* 11/10/2023

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Jessica Vega Pederson, Chair

REVIEWED:  
JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By *David N. Blankfeld*  
David N. Blankfeld, Senior Assistant County Attorney

**SUBMITTED BY: Scot Siegel, Planning Director**

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON**

**ORDER NO. T3-2017-9165 / T4-2017-9166 / EP-2017-6780**

Recommending to the Board of County Commissioners approval of a Type IV Quasi-Judicial Revision to the Multnomah County Comprehensive Plan to designate the subject properties as four units of a local park.

And recommending approval of a Type III Community Service Use and Conditional Use for park related development in a portion of the Burlington Creek Forest, one of the units of the local park, including the associated development permits to construct recreational trails, restrooms, trail bridges, parking, and related amenities. The development permits are as follows: Design Review, Significant Environmental Concern, Hillside Development, Protected Aggregate and Mineral Sites, Lot of Record, Exception to the Secondary Fire Safety Zone, Variance to the Forest Practices Setbacks, Forest Development Standards, and Road Rules Variance.

Commissioner Chris Foster moved to adopt the findings and recommendations in the Staff Report (Exhibit 1) to approve the Comprehensive Plan Amendment to designate the four units as a local park and not to adopt Metro's Parks Masterplan. Commissioner Stephanie Nystrom seconded. Motion passed (7-Y).

Commissioner Barbara Alexander: Yes  
Commissioner Alicia Denney: Absent  
Commissioner Kari Egger: Yes  
Commissioner Chris Foster: Yes  
Chair John Ingle: Yes  
Commissioner Bill Kabeiseman: Yes  
Commissioner Stephanie Nystrom: Yes  
Vice Chair Victoria Purvine: Yes  
Commissioner Tim Wood: Absent

Next Commissioner Barbara Alexander moved to approve the Community Service Use Permit and related permits for public park improvements in the Burlington Creek unit. Commissioner Bill Kabeiseman seconded. Motion passed (4-Y, 3-N).

Commissioner Barbara Alexander: No  
Commissioner Alicia Denney: Absent  
Commissioner Kari Egger: Yes  
Commissioner Chris Foster: No  
Chair John Ingle: Yes  
Commissioner Bill Kabeiseman: Yes  
Commissioner Stephanie Nystrom: No  
Vice Chair Victoria Purvine: Yes  
Commissioner Tim Wood: Absent

The Planning Commission adopts the findings and recommendations of the Staff Report attached as Exhibit 1 including approval of the Type IV Comprehensive Plan amendment,

the Type III Community Service permit and associated development permits subject to the recommended approval conditions in the Staff Report (Exhibit 1).

**The Multnomah County Planning Commission Further Finds:**

- a. The Planning Commission is authorized by Multnomah County Code (MCC) Chapter 37.0710 and 37.0530(D), 37.0510 [in effect at the time of the application], and by ORS 197.797, to conduct hearings on Type IV applications and associated Type III applications, including recommending to the Board of County Commissioners approval of applications that require amendments to the County Comprehensive Plan.
- b. The proposal conforms to the intent of relevant policies in the Comprehensive Plan and the designation in the Comprehensive Plan for a local park.
- c. The proposal conforms to the criteria for a Quasi-Judicial Comprehensive Plan Amendment for a local park designation. The local park designation will not destabilize the land use pattern in the vicinity and will not conflict with existing or planned uses on adjacent lands.
- d. The Comprehensive Plan amendment designating four units of a local park is a text amendment only and does not adopt Metro's North Tualatin Mountains Access Master Plan.
- e. The local park designation is permitted in the underlying base zones covering the four forest units. The subject properties are located in following zones: Commercial Forest Use – 1 (CFU-1), Commercial Forest Use – 2 (CFU-2), Exclusive Farm Use (EFU), Multiple Use Agriculture – 20 (MUA-20), and Rural Residential (RR).
- f. The proposal for park related development in the Burlington Creek Forest Unit meets the following approval criteria of the applicable MCC 2017 code sections:
  - 33.2030(A)(9)(b) [Conditional Uses in CFU-1]
  - 33.2230(A)(9)(b) [Conditional Uses in CFU-2]
  - 33.2630(C) [Conditional Uses in EFU]
  - 33.2830 [Conditional Uses in MUA-20]
  - 33.3130 [Conditional Uses in RR]
  - 33.6300 – 33.6350 [Conditional Uses criteria]
  - 33.6000 – 33.6020 [Standards for Community Services]
  - 33.7000 – 33.7060 [Design Review]
  - 33.2000 – 33.2110 [CFU-1 Base Zone]
  - 33.2200 – 33.2310 [CFU-2 Base Zone]
  - 33.2600 – 33.2690 [EFU Base Zone]
  - 33.2800 – 33.2885 [MUA-20 Base Zone]
  - 33.3100 – 33.3185 [RR Base Zone]
  - 33.4500 – 33.4575 [Significant Environmental Concern Overlay Zone]
  - 33.5500 – 33.5525 [Hillside Development/Slope Hazard Overlay Zone]
  - 33.5700 – 33.5745 [Protected Aggregate & Mineral Sites]
  - 33.2110 [Exceptions to Secondary Fire Safety Zones]

33.7600 – 33.7616 [Adjustments and Variances]  
33.0005, 33.2075, 33.2870 [Lot of Record]  
Chapter 37 [Administration & Procedures]  
Chapter 29.003 [Adoption of State Building Code by Reference]

- g. The proposal for park related development in the Burlington Creek Forest Unit meets the following approval criteria of the 2004 Multnomah County Road Rules:
  - 4.000 Access to County Roads
  - 5.000 Transportation Impact
  - 6.000 Improvement Requirements
  - 7.000 Transportation Impact Studies
  - 8.000 Off-site Improvement Requirements
  - 9.000 Compliance Method
  - 11.000 Local Access Roads
  - 14.000 Vacation of Right of Way
  - 16.000 Road Rules Variance
  - 17.000 Appeals
  - 18.000 Right-of-Way Use Permits
- h. The proposal for park related development in the Burlington Creek Forest Unit meets the following approval criteria of the Design and Construction Manual:
  - Section 2.1.3 Design Standard Variance
- i. Notice of the Planning Commission hearing was mailed to all parties consistent with county noticing requirements. Notice was also published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. Further, staff maintained an email list of interested parties and maintained a website with all application materials, staff documents, and written testimony posted to the site.
- j. The Planning Commission held a public hearing on the proposal on February 6, 2023 during which all interested persons were given the opportunity to appear and be heard. The meeting was continued to March 6, 2023 where new testimony was heard.
- k. After public testimony closed, the Planning Commission heard final testimony and rebuttal from the Applicant.
- l. The Planning Commission received and considered a significant volume of oral and written testimony for the Comprehensive Plan Amendment and park related development for the Burlington Creek Forest Unit. While the Planning Commission decision to recommend approval of the request is based on the findings in the Staff Report (Exhibit 1), several key issues were discussed and considered during deliberation including but not limited to:
  - 1. A significant amount of testimony and subsequent Planning Commission deliberation centered on the Community Service standard in MCC 33.6010 (B), that the proposal 'will not adversely affect natural resources'. In addition to the findings on pages 194-195 of the Staff Report (Exhibit 1) supporting the Commission's recommendation, the Planning Commission finds that the

standard does not require a finding of 'no affect', but rather whether the proposal will have an 'adverse affect' on natural resources. After weighing the evidence in the record, the Planning Commission finds that the proposal appropriately balances recreational access and conservation goals; and on balance, the proposal will not adversely affect natural resources.

2. Metro testified and the Commission finds that guidance Metro received from the Oregon Department of Fish and Wildlife (ODFW) regarding trail design has been addressed by the application, though the Commission did not receive testimony directly from ODFW on the application. The Planning Commission notes that Burlington Creek Forest drains into John R. Palensky Wildlife Area (Burlington Bottoms) owned by the Bonneville Power Administration (BPA) and managed by ODFW, which is an important adjacent resource area.
3. Balancing resource protection, neighborhood concerns, wildlife protection, and recreational use is a difficult proposition. Metro has indicated a willingness to continue monitoring of wildlife and trail conditions as the proposed trails are developed and used and that adaptive management will be employed in response to the monitoring. While not made a recommended condition of approval, the Planning Commission encourages Metro to employ a succinct monitoring plan considering the specifics of what will be monitored, the frequency of monitoring, how the results will be evaluated and communicated, and what type of mitigation strategies might be contemplated in response to the collected data.
4. The Planning Commission discussed potential conflicts between intended park uses in the Burlington Creek Forest Unit. The Planning Commission heard testimony on whether mountain biking and other forest trail uses such as hiking are compatible. The testimony raised additional questions about whether the current trail system favors one group over another. Monitoring and Adaptive Management proposed by Metro is highly encouraged to ensure the improvements function as planned or are modified as needed.
5. The proposed multi-use trails in the Burlington Creek Forest have the potential to degrade water quality in seasonal streams and the downstream wetlands from both trail construction and use. While conditions of approval address erosion control, the Planning Commission also recognizes that seasonal or permanent closures of park areas and trails may be necessary to reduce soil erosion when trail damage, erosive conditions or other environmental concerns are identified.
6. The Planning Commission received testimony about neighborhood concerns with unpermitted park uses, such as after-hours trespass and parking in restricted areas. Vehicle access to the Burlington Creek Forest will be controlled by automatic gates to prevent after hour use and regulatory signs installed to avoid illegal parking. The Multnomah County Sheriff's office indicates that it can enforce illegal parking in the right of way with the addition of the required 'no parking' signs.

- m. The Planning Commission finds all applicable criteria to approve the application in T3-2017-9165 / T4-2017-9166 / EP-2017-6780 are met based on the findings of fact, statement of reasons, and conditions of approval set forth in the Staff Report attached hereto as Exhibit 1.

**The Planning Commission Orders:**

1. The findings of fact and statement of reasons contained in the T3-2017-9165 / T4-2017-9166 / EP-2017-6780 Staff Report, attached hereto as Exhibit 1, demonstrate that the standards for a quasi-judicial plan amendment (text amendment) for a local park designation have been met and, therefore, the Compressive Plan amendment is recommended for adoption by the Board of County Commissioners.
2. The findings of fact and statement of reasons contained in the T3-2017-9165 / T4-2017-9166 / EP-2017-6780 Staff Report, attached hereto as Exhibit 1, demonstrate that the standards for park related development in the Burlington Creek Forest Unit have been met and, therefore, are recommended for adoption by the Board of County Commissioners, subject to the conditions stated in the T3-2017-9165 / T4-2017-9166 / EP-2017-6780 Staff Report (Exhibit 1).
3. The Planning Commission recommends that the Board amend the Multnomah County Comprehensive Plan to document and incorporate the proposed local park designation as follows:

*[Formatting Note: The table below amends the ‘Administration’ section of the Multnomah County Comprehensive Plan, (page xi). Double underlined text is new.]*

**Administration**

**Adopted Amendments**

<b>EFFECTIVE DATE</b>	<b>ORD #</b>	<b>AMENDMENT TOPIC</b>
April 4, 2019	Order 2019-025	Approving exception to Statewide Planning Goal 11 to extend public sewer service outside the Urban Growth Boundary to the property located at 5105 SE 302 <sup>nd</sup> Ave., Gresham, Oregon
October 1, 2020	Order 2020-086	Approving an exception to Statewide Planning Goal 3 (Agricultural Lands), and an amendment to the Multnomah County Comprehensive Plan and the Multnomah County Comprehensive Plan and Zoning Map, to rezone the Property located in East Rural Multnomah County at 2326 SE Troutdale Road and that portion of SE Troutdale Road adjacent to the subject property extending to the road center line from Exclusive Farm Use (EFU) to Rural Residential (RR).

December 16, 2021	Ordinance 1302	Amending Multnomah County Chapter 38 Zoning Code and the Multnomah County Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River Gorge National Scenic Area approved by the Columbia River Gorge Commission and other amendments to Chapter 38 Code and the Comprehensive Plan not related to the Management Plan revisions.
<u>(placeholder for effective Board adoption date)</u>	<u>(placeholder for effective Board order number)</u>	<p><u>Amending the Comprehensive Plan to include the North Tualatin Mountains Parks and Natural Areas as a designated local park in this Compressive Plan. The park is comprised of four geographically separate properties, further described as follows:</u></p> <p><u><b>Burlington Creek Forest:</b> 2N1W20BC-01400, 2N1W20BC-01200, 2N1W19-00500, 2N1W19AA-00500, 2N1W20B-00700, 2N1W1900200, 2N1W20B-00500, 2N1W20BD-02400, 2N1W20C-00500, 2N1W20BD-03700, 2N1W20BC-01000, 2N1W20C-00400, 2N1W20C-00100, 2N1W20C-00200, 2N1W20B-00600, 2N1W19AA-00800, 2N1W20B00200, 2N1W20C-00600, 2N1W19-00300, 2N1W20BC-01600, 2N1W19AA-00400, 2N1W20-00400, 2N1W20C00700, 2N1W19AA-00600, 2N1W20B-00100, 2N1W19AA-00300, 2N1W20B-00400, 2N1W19AA-00700, 2N1W20BC-00800, 2N1W20C-00300, 2N1W20B-00300, 2N1W20BC-00900, 2N1W19D-00800, 2N1W20BC01700, 2N1W20BC-01800, 2N1W20-00300, 2N1W20BC-01300.</u></p> <p><u><b>Ennis Creek Forest:</b> 2N1W28C-00500, 2N1W28CA-01701, 2N1W32A-00600, 2N1W32A-00500, 2N1W33B-00700, 2N1W28CA01500, 2N1W28C-01000, 2N1W28CD-01000, 2N1W28C-00600, 2N1W28DC-01900, 2N1W32A-00400, 2N1W33B-00600, 2N1W33B-00500, 2N1W28C-00500, 2N1W33B-00100, 2N1W28DC-01800, 2N1W33A00500, 2N1W28CD-00400, 2N1W28DC-02000, 2N1W33B-00200, 2N1W32A-00100, 2N1W33C-00300.</u></p> <p><u><b>McCarthy Creek Forest:</b> 2N1W32B-00600, 2N1W32B-00900, 2N1W32C-00100, 2N1W32C-00200, 2N1W310-01200, 2N1W31D-00100, 2N1W31D-00200, 2N1W31D-00300.</u></p> <p><u><b>North Abbey Creek Forest:</b> 1N1W05C 00100, 1N1W05C-00400, 1N1W05C-00500, 1N1W08B -00100, 1N1W05C -00300, 1N1W05C -00500, 1N1W05B-00900, 1NIW05C-00200, 1NIW06D-00400.</u></p>

Commissioner Chris Foster moved to adopt the findings and recommendations in the Staff Report (Exhibit 1) to approve the Comprehensive Plan Amendment to designate the four units as a local park and not to adopt Metro's Parks Masterplan. Commissioner Stephanie Nystrom seconded. Motion passed (7-Y).

Commissioner Barbara Alexander: Yes

Commissioner Alicia Denney: Absent

Commissioner Kari Egger: Yes

Commissioner Chris Foster: Yes

Chair John Ingle: Yes

Commissioner Bill Kabeiseman: Yes

Commissioner Stephanie Nystrom: Yes

Vice Chair Victoria Purvine: Yes

Commissioner Tim Wood: Absent

Next Commissioner Barbara Alexander moved to approve the Community Service Use Permit and related permits for public park improvements in the Burlington Creek unit. Commissioner Bill Kabeiseman seconded. Motion passed (4-Y, 3-N).

Commissioner Barbara Alexander: No

Commissioner Alicia Denney: Absent

Commissioner Kari Egger: Yes

Commissioner Chris Foster: No

Chair John Ingle: Yes

Commissioner Bill Kabeiseman: Yes

Commissioner Stephanie Nystrom: No

Vice Chair Victoria Purvine: Yes

Commissioner Tim Wood: Absent

ADOPTED this 4<sup>th</sup> day of April, 2023.

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON



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John Ingle, Chair

## Staff Report

**Case File:** T3-2017-9165 / T4-2017-9166 /  
EP-2017-6780

**Hearing Date, Time, & Location:**

**Monday, February 6, 2023, at 6:30 p.m.** or soon thereafter.

**The Planning Commission meeting will be held virtually.**

Instructions for participating in the meeting online, or by phone will be published prior to the meeting on the county Planning Commission webpage:

**<https://multco.us/landuse/planning-commission>**

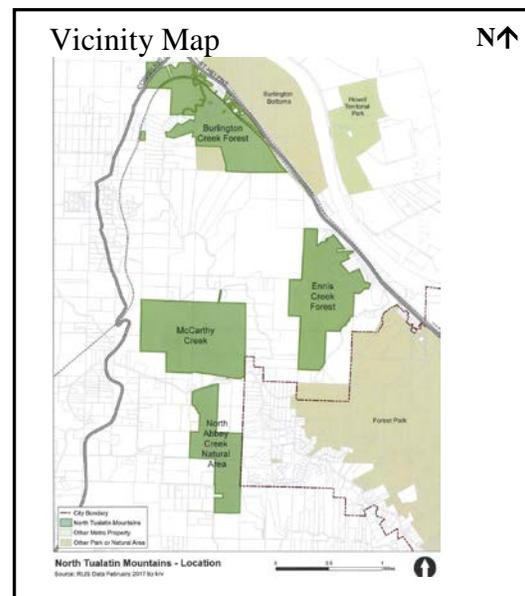
**Property Location:** North Tualatin Mountains, generally northwest of Forest Park, east of Cornelius Pass Road, south of U.S. Hwy 30 and north of Washington County. A complete list of the properties is included below.

**Applicant:** Metro  
600 NE Grand Avenue  
Portland, OR 97232

**Proposal:** Metro has submitted two associated proposals. The first is an application for a Quasi-Judicial Revision to the Multnomah County Comprehensive Plan to designate a local park. The second proposal is for a public nature park project in a portion of Burlington Creek Forest, one of the units of the local park, which includes applications for the following permits to develop recreational trails, restrooms, trail bridges, parking, and related amenities on a portion of the Burlington Creek Forest unit: Conditional Use, Community Service Use, Design Review, Significant Environmental Concern, Hillside Development, Protected Aggregate and Mineral Sites, Lot of Record, Exception to the Secondary Fire Safety Zone, Variance to the Forest Practices Setbacks, Forest Development Standards, Road Rules Variance.

**Base Zones:** Commercial Forest Use – 1 (CFU-1), Commercial Forest Use – 2 (CFU-2), Exclusive Farm Use (EFU), Multiple Use Agriculture-20 (MUA-20), and Rural Residential (RR).

**Overlay Zones:** Significant Environmental Concern for Wildlife Habitat (SEC-h), streams (SEC-s), views (SEC-v); Protected Aggregate and Mineral Impact Area (PAM-IA); and Hillside Development (HD).



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**Applicable Approval Criteria:**

**Note:** The applications were submitted on September 29, 2017 when the Chapters 33 and 37 of the Multnomah County Code were in effect. Chapters 33 and 37 have been repealed by Ordinance 1264, but contain the applicable criteria that existed on the date the applications were filed.

Multnomah County Code (MCC): 37.0705 [Comprehensive Plan Amendment];

33.2030(A)(9)(b) [Conditional Uses in CFU-1];

33.2230(A)(9)(b) [Conditional Uses in CFU-2];

33.2630(C) [Conditional Uses in EFU];

33.2830 [Conditional Uses in MUA-20]

33.3130 [Conditional Uses in RR]

33.6300 – 33.6350 [Conditional Uses criteria];

33.6000 – 33.6020 [Standards for Community Services];

33.7000 – 33.7060 [Design Review];

33.2000 – 33.2110 [CFU-1 Base Zone];

33.2110 [Exceptions to Secondary Fire Safety Zones];

33.2200 – 33.2310 [CFU-2 Base Zone];

33.2600 – 33.2690 [EFU Bass Zone];

33.2800 – 33.2885 [MUA-20 Base Zone];

33.3100 – 33.3185 [RR Base Zone];

33.4500 – 33.4575 [Significant Environmental Concern Overlay Zone];

33.5500 – 33.5525 [Hillside Development/Slope Hazard Overlay Zone];

33.5700 – 33.5745 [Protected Aggregate & Mineral Sites];

33.7600 – 33.7616 [Adjustments and Variances];

33.0005, 33.2075, 33.2870 [Lot of Record];

Chapter 37 [Administration & Procedures];

Chapter 29.003 [Adoption of State Building Code by Reference];

Applicable Road Rules (2004 version) Criteria:

4.000 Access to County Roads

5.000 Transportation Impact

6.000 Improvement Requirements

7.000 Transportation Impact Studies

8.000 Off-site Improvement Requirements

9.000 Compliance Method

11.000 Local Access Roads

14.000 Vacation of Right of Way

16.000 Road Rules Variance

17.000 Appeals

18.000 Right-of-Way Use Permits

Applicable Design and Construction Manual Criteria:

Section 2.1.3 Design Standard Variance

## Property Owners:

1. Metro (Parks and Nature) – Mailing Address: 600 NE Grand Avenue; Portland, OR 97232
2. Portland General Electric – Mailing Address: 121 SW Salmon Street; Portland, OR 97204

## Subject Parcels:

The following properties are included in the proposal and are subject to County land use review. Properties are listed by their state ID designations. All tax lots comprising the four forest units (Burlington Creek, Ennis Creek, McCarthy Creek, and North Abbey Creek) are owned by Metro. Metro has recently indicated that it does not seek to include certain tax lots in its application to designate land as parks (Exhibit A.28). The following list of properties reflects the current request and differs from the list of properties included in the applicant's original submission (Exhibits A.1, A.2, A.3, A.4). The excluded properties are southeast of NW McNamee, north of the railroad right of way, and extending to the end of NW Wapato Drive.

### *Burlington Creek Forest – Public Park and Proposed Trail and Trail Related Development on portions of the forest unit.*

2N1W20BC-01400, 2N1W20BC-01200, 2N1W19-00500, 2N1W19AA-00500, 2N1W20B-00700, 2N1W19-00200, 2N1W20B-00500, 2N1W20BD-02400, 2N1W20C-00500, 2N1W20BD-03700, 2N1W20BC-01000, 2N1W20C-00400, 2N1W20C-00100, 2N1W20C-00200, 2N1W20B-00600, 2N1W19AA-00800, 2N1W20B-00200, 2N1W20C-00600, 2N1W19-00300, 2N1W20BC-01600, 2N1W19AA-00400, 2N1W20-00400, 2N1W20C-00700, 2N1W19AA-00600, 2N1W20B-00100, 2N1W19AA-00300, 2N1W20B-00400, 2N1W19AA-00700, 2N1W20BC-00800, 2N1W20C-00300, 2N1W20B-00300, 2N1W20BC-00900, 2N1W19D-00800, 2N1W20BC-01700, 2N1W20BC-01800, 2N1W20-00300, 2N1W20BC-01300.

### *Ennis Creek Forest – Public Park (potential future access, but no development currently proposed)*

2N1W28C-00500, 2N1W28CA-01701, 2N1W32A-00600, 2N1W32A-00500, 2N1W33B-00700, 2N1W28CA-01500, 2N1W28C-01000, 2N1W28CD-01000, 2N1W28C-00600, 2N1W28DC-01900, 2N1W32A-00400, 2N1W33B-00600, 2N1W33B-00500, 2N1W28C-00500, 2N1W33B-00100, 2N1W28DC-01800, 2N1W33A-00500, 2N1W28CD-00400, 2N1W28DC-02000, 2N1W33B-00200, 2N1W32A-00100, 2N1W33C-00300.

### *McCarthy Creek Forest – Public Park (potential future access, but no development currently proposed)*

2N1W32B-00600, 2N1W32B-00900, 2N1W32C-00100, 2N1W32C-00200, 2N1W310-01200, 2N1W31D-00100, 2N1W31D-00200, 2N1W31D-00300.

### *North Abbey Creek Forest – Public Park (No public access proposed and no development proposed)*

1N1W05C-00100, 1N1W05C-00400, 1N1W05C-00500, 1N1W08B-00100, 1N1W05C-00300, 1N1W05C-00500, 1N1W05B-00900, 1N1W05C-00200, 1N1W06D-00400.

### **The following property owned by Portland General Electric (PGE) is subject to review of grading activities only, but is not part of the proposed public park:**

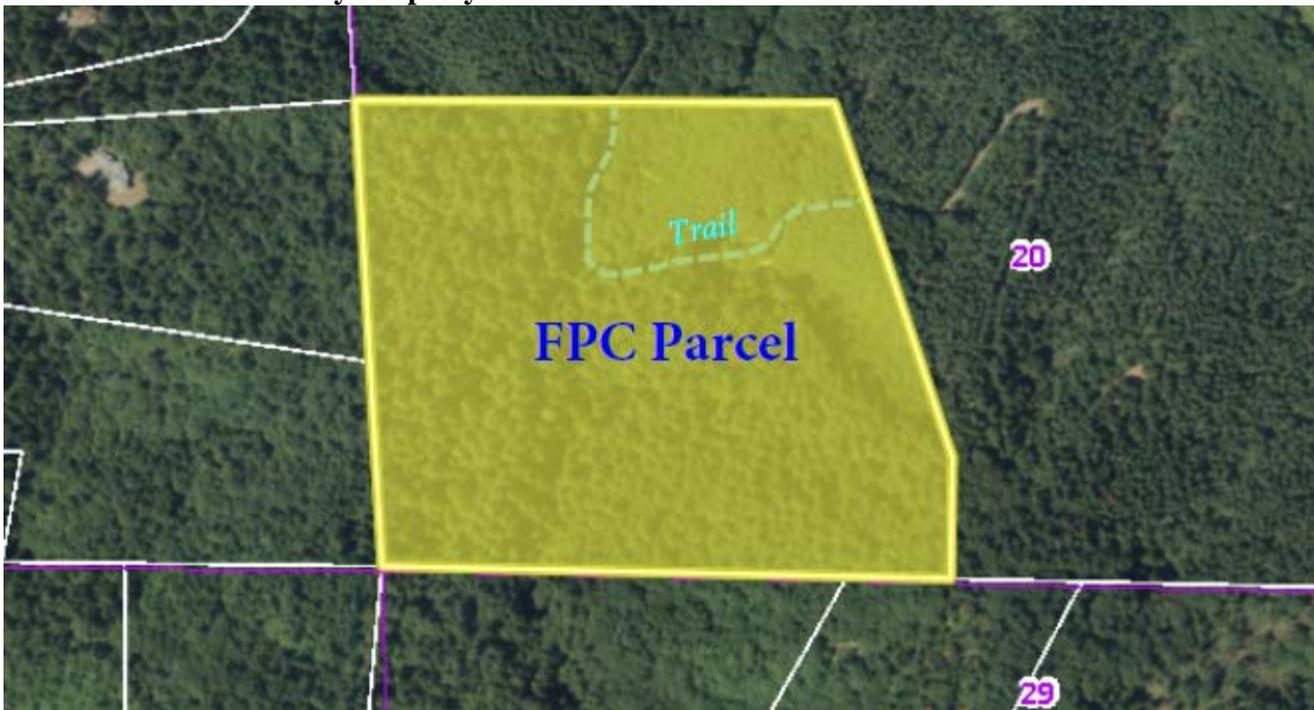
Property described as 2N1W20BC-01500 owned by PGE, is not part of the proposal for park/recreational uses, but is subject to Hillside Development permit review related to the proposed grading (i.e. ground disturbing) activities to improve sight distance along NW McNamee Road (Exhibit A.23).

### **The following property owned by Forest Park Conservancy (FPC) is not subject to this application review:**

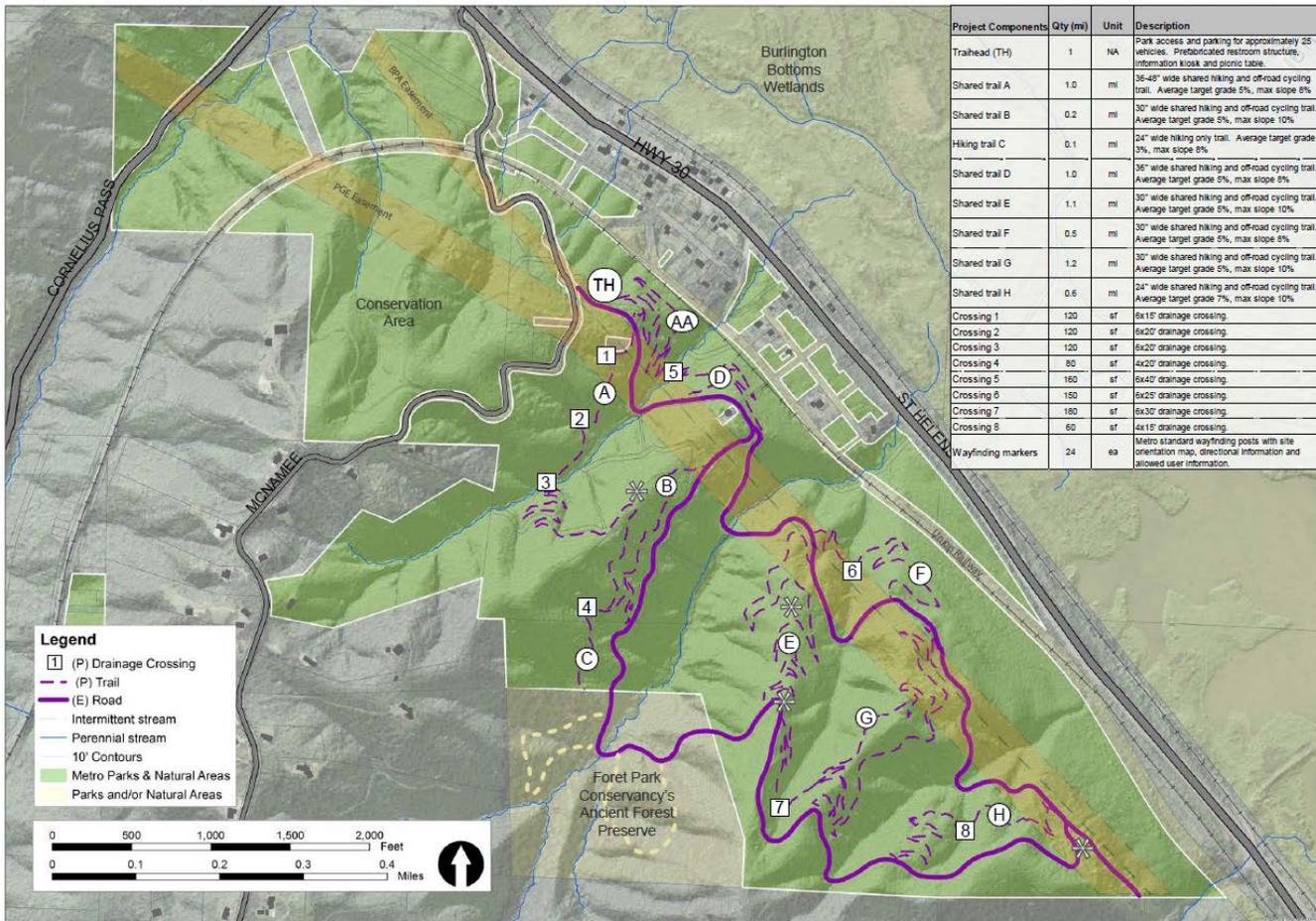
Property described as 2N1W20C-00800 owned by FPC, is privately owned and is not included as part of the proposal for a public park (Exhibit A.9, page 1). The property contains approximately 1,200 linear feet of the 2.3 mile long forest practices road (loop road) that currently serves both the FPC property and the Burlington Creek forest property (see map at (Exhibit A.3.40, PDF page 486). The FPC property contains an existing easement

(Exhibit A.9.2) providing Metro access through the property over the existing forest practices road (loop road), which crosses the FPC property providing an access link to the remainder of the road. Individuals entering the FPC property at its north property line would exit at the FPC east property line after transiting the 1,200 feet of road to rejoin the Burlington Creek property and continue along the loop road. Conversely, individuals entering the FPC property at the east property line would exit at the north property line to rejoin the Burlington Creek property. FPC expressly acknowledges the ability of pedestrian, equestrian, and vehicle users to transit through the property over the existing forest practices road (Exhibit A.14.1). It is important to note that no trail development or related support infrastructure (i.e. parking and restrooms) is proposed on the FPC property (Exhibit A.9, page 1). Because Metro is not seeking approval of any new use or development on the property, but instead is continuing its practice of using the property for access across an existing road through its easement, uses on this property are not reviewed in this application.

**Forest Park Conservancy Property with trail connection.**



# Proposed Trail System at Burlington Creek Forest.

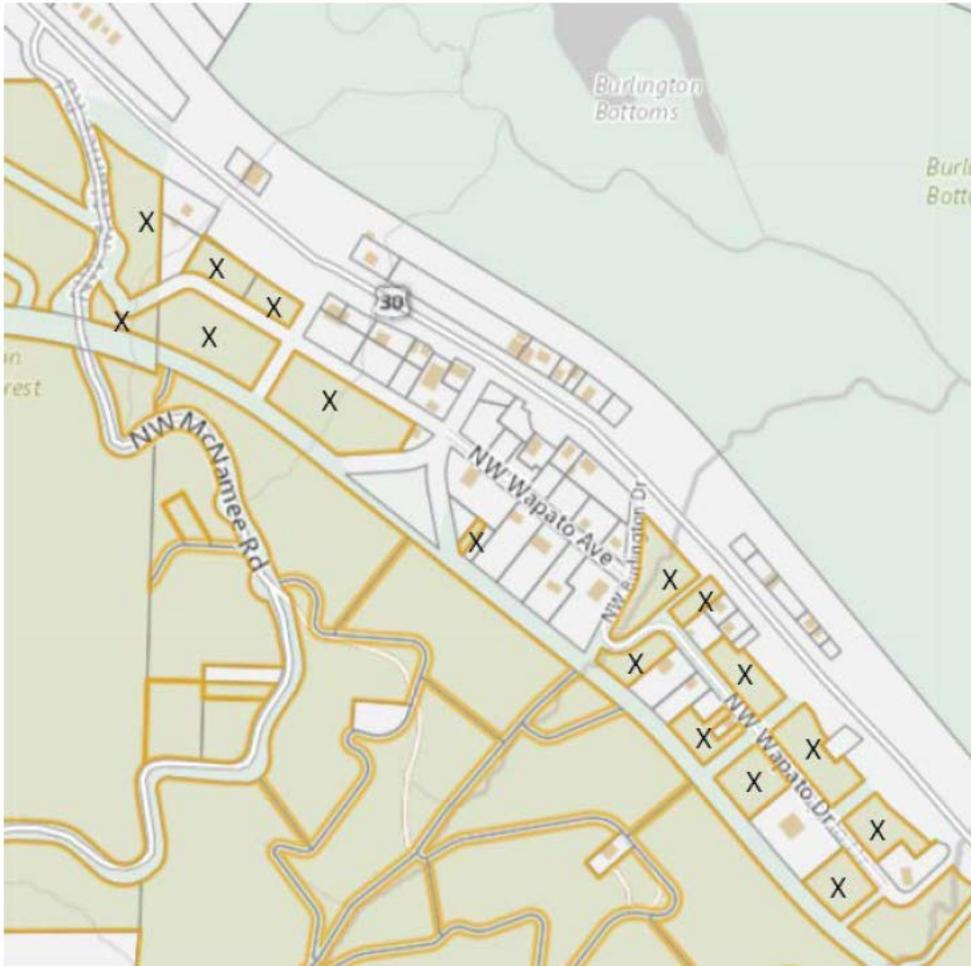


Burlington Creek Forest  
Nature Park  
OVERVIEW

SUBMITTAL:  
30% REVIEW SET

DATE:  
15 DEC 2017

**Properties owned by Metro that are not included as a proposed park.**



**Property owned by Portland General Electric.**



## **ORGANIZATION OF THIS REPORT**

<b>Section</b>	<b>Description</b>	<b>Pages</b>
<b>Introductory Section</b>	Information on location, subject properties, applicants, list of permits, zoning, and approval criteria.	1 – 8
<b>Recommendation &amp; Recommended Conditions of Approval</b>	This section indicates the Planning Director’s recommendation to the Planning Commission followed by a list of recommended conditions of approval.	8 – 18
<b>Findings of Fact</b>		
Sections 1.00 through 13.00 contain written findings addressing the Comprehensive Plan Policies, Multnomah County Code (MCC) criteria, Multnomah County Road Rules, and State law.		
<b>1.00</b>	Project Description, Summary of Public Testimony and Compliance Findings	19 - 28
<b>2.00</b>	Base Zone Criteria (includes Exception to Secondary Fire Safety Zones)	28 – 57
<b>3.00</b>	Adjustments and Variances Criteria	57 - 67
<b>4.00</b>	Design Review Criteria	67 – 86
<b>5.00</b>	Significant Environmental Concern Criteria	86 – 113
<b>6.00</b>	Hillside Development Permit Criteria	113 – 128
<b>7.00</b>	Protected Aggregate and Mineral Sites Criteria	128 – 143
<b>8.00</b>	Lot of Record Criteria	143 – 156
<b>9.00</b>	Parking, Signs, and Lighting Criteria	157 – 185
<b>10.00</b>	Conditional Use / Community Service Use Criteria	185 – 204
<b>11.00</b>	Type IV Quasi-Judicial Plan Approval Criteria and Comprehensive Plan Policies and Proposed Amendment	204 – 316
<b>12.00</b>	Road Rules and Transportation (includes Road Rules Variance)	316 – 337
<b>13.00</b>	Oregon Administrative Rules (OAR) – State and Local Park Planning	338 – 349
<b>Additional Sections</b>		
<b>14.00</b>	Conclusion	349 – 351
<b>15.00</b>	List of Exhibits	351 – 375

### **Recommended Decision:**

Staff recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Comprehensive Plan amendment to designate the subject properties owned by Metro as four units of a local park (North Tualatin Mountains Nature Park). Staff further recommends that the Planning Commission recommend approval of the permits sought for the development of recreational trails and related infrastructure on the Burlington Creek Forest unit of the nature park.

**If the Planning Commission recommends approval, staff recommends the following Conditions of Approval:**

**(A)**

**General Conditions:**

1. The bridge and boardwalk structures shall be fiberglass or other noncombustible materials. [MCC 33.2056]
2. Prior to starting construction work, the property owner or their representative shall obtain the required building department permits for the type of construction proposed. It is the property owner's responsibility to confirm that the work performed under the building permit shall be completed with a final inspection. [MCC 29.003] All proposed structures shall comply with the standards of the applicable building code. Prior to zoning sign off for building plan check, the property owner or their representative shall provide documentation on the building plans that the proposed restroom building and information kiosk will include a fire retardant roof. [MCC 33.2061 (C)]
3. Future park development phases are subject to all applicable County permitting standards in effect at the time of any land use application.
4. Prior to the placement of signs, obtain a sign permit from the Multnomah County Land Use Planning Office.
5. Prior to trail development, obtain an address assignment from the Multnomah County Land Use Planning Office.
6. Prior to the placement of new stream crossings submit a Flood Development permit for any stream crossings that are subject to permitting pursuant to MCC 39.5000 through MCC 39.5055.

**(B)**

**Comp Plan Conditions:**

1. Ground disturbing activities shall immediately cease if any archeological artifacts and/or human remains are found on-site during the project. [Comprehensive Plan Policies 6.2 through 6.5]
2. If any cultural resources and/or archaeological resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented:
  - (A) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - (B) Notification – The project applicant shall notify the County Planning Director within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments and the State Historical Preservation Office (SHPO) within 24 hours. [Comprehensive Plan Policies 6.2 through 6.5]
3. If human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):

- (A) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
- (B) Notification – The Multnomah County Planning Director and the Native American tribal governments shall be contacted immediately. [Comprehensive Plan Policies 6.2 through 6.5]

4. The applicant shall provide bicycle parking on the final design review plan for the Burlington Creek Forest improvements in consultation with the Multnomah County Bicycle and Pedestrian committee. [Comprehensive Plan Policy 8.6]

**(C)**

**Base Zoning Conditions:**

1. No structure shall exceed 35-feet above grade including any modifications resulting from building permit requirements. [MCC 33.2050(A)]. Structures shall remain below the height of the tree canopy. [MCC 33.4565(C)(6)]
2. The restroom building and information kiosk shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended. [MCC 33.2110(B)(2)]
3. The property owner shall maintain a primary fire safety zone around the information kiosk structure as outlined below and show the fire safety zones on the building permit site plan [MCC 33.2056(B) and Policy 7.7]:
  - (A) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around the structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
  - (B) On lands steeper than 10 percent slope the primary fire safety zone shall be extended down the slope from the or structure as shown in the table below:

<b>Percent Slope</b>	<b>Distance</b>
Less than 10 percent slope	No additional primary fire safety zone required beyond the 30 foot primary fire safety zone
Less than 20 percent slope	50 feet additional of fire safety zone required beyond the 30 foot primary fire safety zone
Less than 25 percent slope	75 feet additional of fire safety zone required beyond the 30 foot primary fire safety zone
Less than 40 percent slope	100 feet of fire safety zone required beyond the 30 foot primary fire safety zone

4. The statement, in Exhibit B.59 shall be recorded with the Division of Records prior to zoning approval of building permits, that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices. [MCC 33.2045(B)]

5. There shall be no combustible fences erected within 12 feet of the exterior surface of the proposed restroom building and information kiosk. [MCC 33.2310(B)(3)]

**(D)**

**CU/CS Conditions:**

1. The Conditional Use permit is issued only for the park related uses (multi-use recreational trails, trail related structures including bridges and a boardwalk, (Exhibit A.9), related automobile parking, an information kiosk and a restroom as further depicted in Exhibit A.3.40. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.

**(E)**

**Design Review Conditions:**

1. Prior to building permit sign-off the applicant shall submit a final design review plan showing compliance with the land use approvals granted including all plans subsequently submitted that modify previously submitted plans responsive to this approval. The final design review plan shall contain the following, drawn to scale:
  - (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030, as appropriate;
  - (B) Architectural drawings of all proposed structures, indicating floor plans and elevations; and
  - (C) Structure locations complying with approved minor exceptions from yard, parking, and sign requirements.  
[MCC 33.7010, 33.7040]
2. The applicant shall limit the removal of trees and shrubs during construction to the minimum necessary except that removal of nuisance or invasive species and forest practices are fully permitted. [MCC 33.7050(A)(4)]
3. The applicant shall retain vegetation to the maximum extent possible around the parking area, restroom building, information kiosk and along trails while also meeting the fire safety zone requirements of MCC 33.2056. Provisions for watering new plantings shall be made in order to ensure long term survival. Required vegetation shall be continually maintained except that diseased and hazardous trees may be removed. Removed trees should be replaced with new trees as soon feasible. [MCC 33.2056]
4. The property owner shall maintain off-street parking facilities and spaces without charge or other consideration for the parking of vehicles of customers, occupants, and employees as long as the requirement is required by the Multnomah County Zoning Code. [MCC 33.4115 & 33.4125(A)]
5. The property owner shall install a bumper rail or curbing at least four inches in height around the outer boundary of the parking and maneuvering areas shown on applicant's parking plan (Exhibit A.3.37). [MCC 33.4180(B)]

6. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space. [MCC 33.4125(B)]
7. Required parking areas shall be improved and placed in condition for use before a Certificate of Occupancy can be granted. [MCC 33.4135(B)]
8. Traffic directions shall be plainly marked on the pavement. [MCC 33.4170(A)] All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained. [MCC 33.4180(C)] Compact automobile parking spaces must be clearly marked for that use. [MCC 33.4175(A)(2)]
9. All areas used for parking and maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. [MCC 33.4180 (A)(1)]
10. Prior to land use approval (sign-off) for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with all approvals granted, all conditions of approval and required modifications. The final design review plans shall contain the following, drawn to scale:
  - (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030, as appropriate;
  - (B) Architectural / structural drawings, indicating floor plans, sections, and elevations; and
  - (C) Approved minor exceptions from yard, parking, and sign requirements.[MCC 33.7030]

**(F)**

**SEC Conditions for the Burlington Creek Forest Unit:**

1. The final design review plan shall clearly demonstrate that revegetation will result in a net 2:1 gain in native vegetation, indicate the number of trees and shrubs to be removed associated with development areas, the proposed locations for all new plantings and the plan for the long term maintenance and survival of the new plantings. [MCC 33.4570(C)]
2. The exterior of buildings, and structures shall use low reflective materials and exterior colors of the finished structures shall be earthtone colors. Example earthtone colors include but are not limited to those shown on the Columbia River Gorge Commission Color Chart (Exhibit B.60). The type of exterior building materials shall be noted on the building plans and color samples shall be submitted prior to building permit sign-off. [MCC 33.4565(C)(2)]
3. No nuisance plants as listed in MCC 33.4570 shall be planted on the subject property. [MCC 33.4570]
4. No new fencing is authorized by this permit except for access gates. [MCC 33.4570]

**(G)**

**HDP Conditions (Burlington Creek Forest Unit and PGE Property):**

1. The property owner shall ensure that the proposed development work is observed by a Certified Engineering Geologist or Geotechnical Engineer. This observation shall be at the owner's expense. The name, address and phone number of the Certified Engineering Geologist or Geotechnical Engineer who will be conducting the observation of the development shall be submitted to the Planning Director prior to zoning review for a building permit. The observation of the development activities by the Certified Engineering Geologist or Geotechnical Engineer shall include, but is not limited to foundation work, confirmation on installation and effectiveness of all erosion and sediment control measures, and a final observation prior to the final building permit inspection. [MCC 33.5515(F)(3)]
2. The recommendations listed in Sections 4.2.2 through 6.2 (pages 9 – 22) of the Geotechnical Report prepared by Carlson Engineering (Exhibit A.3.18), shall be implemented during all stages of the development. If a recommendation contained within this report conflicts with any of the other conditions of approval, said conditions shall supersede those contained within the report. [MCC 33.5515(F)]
3. Prior to providing public access to the parking area and proposed trails, the property owner shall submit to the County Land Use Planning Office a report from the observing Certified Engineering Geologist or Geotechnical Engineer which confirms that proper measures were implemented to meet recommendations of the Hillside Development Permit and subsequent supplemental to the Hillside Development Permit Application (Exhibits A.3 and A.23) as well as any other recommendations of the Certified Engineering Geologist or Geotechnical Engineer deemed necessary to achieve site suitability for the development. This report shall be signed by the Certified Engineering Geologist or Geotechnical Engineer with their seal (stamp) affixed to the report. [MCC 33.5515(F)]
4. The property owner shall implement the erosion and sediment control measures as shown and listed on the erosion control plan (Exhibit A.3.37, Exhibit A.23.3) unless amended by the observing Certified Engineering Geologist or Geotechnical Engineer to achieve better site suitability for the development and improve erosion and sediment control. [MCC 33.5515(G)]
5. The property owner shall consistently maintain the erosion and sediment control measures to ensure the measures are in proper working order. The property owner and observing Certified Engineering Geologist or Geotechnical Engineer shall monitor the erosion and sediment control measures to ensure the measures are in proper working order. Additional measures shall be immediately installed to remedy the problem if sediment is determined to be escaping the development area or visible erosion occurs. [MCC 33.5520]
6. All excavated spoils from the project shall be removed from the property. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. Any stockpiles of top soil to be used for fill shall be covered with plastic sheeting anchored to prevent disruption from wind. [MCC 33.5520(A)(2)(m)]
7. The property owner shall ensure that non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters are prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize

dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires, etc.), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects. [MCC 33.5520(A)(2)(n)]

8. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within the adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 33.5520(B)]
9. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts resulting from on-site grading work occurs. The Portland Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion or sedimentation effects. [MCC 33.5520]
10. The erosion control permit notice card (provided at plan signoff) shall be posted at the location of the driveway entrance to the property in a clearly visible location (print towards the road) prior to any soil disturbance. This notice is to remain posted until such time as the grading/excavating work is completed and the vegetation has been re-established in disturbed areas. The erosion control permit notice shall be obtained during zoning review of building permit plans. In the event this sign is lost, destroyed, or otherwise removed prior to the completion of the grading work, the applicant shall immediately contact the County Land Use Planning Office to obtain a suitable replacement. [MCC 33.5520]
11. The property owner shall install the stormwater system designed by Alexander H. Hurley, PE in the early phase of the development as shown on the stormwater plan (Exhibit A.3.21). This system shall collect and dispose of stormwater from new impervious surfaces and shall properly control the rate of flow for a 10year/24hour storm event with the runoff no greater than that which existed prior to development. [MCC 33.5520]
12. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and will expose the smallest practical area at any one time during construction. [MCC 33.5520(A)(2)(b)]
13. Mulching shall be used to protect exposed critical areas during development. [MCC 33.5520(A)(2)(b)]
14. Silt fencing shall be installed down slope of the disturbed soil area prior to soil disturbance and maintained until project is finalized and vegetation has been re-established. The location of all silt fencing, other grading and erosion control measures to be installed, and soil stockpiles must be shown on all final plan sets. [MCC 33.5520(A)(2)(h)]
15. Stockpiled topsoil shall be protected from erosion by applying a 6-mil plastic sheet cover. Disposed spoil areas shall be seeded as soon as permanent placement is completed. All disturbed areas are to be seeded or planted within thirty (30) days of the date grading activities are concluded. [MCC 33.5520(A)(2)(m)]
16. The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include hay-bale sediment barriers on the down slope of all disturbed areas

in accordance with the submitted application materials of this permit. Reseeding at a rate of 100 pounds per acre shall be accomplished as soon as ground disturbing activities have been completed. If hydromulch will be employed it shall be installed at a rate of 2,000 pounds per acre. All erosion control measures are to be implemented as prescribed in the current edition of the *Erosion Prevention Sediment Control Plans Technical Guidance Handbook - Revised February 1994*, copies of which are available for purchase at the Land Use Planning office, or through the City of Portland. The property owner or representative shall verify that all erosion control measures are properly installed and in working order prior to initiating grading activities. [MCC 33.5520(A)(2)(e)]

17. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body as delineated in the *Burlington Creek Forest Ordinary High Water Mark/Line Delineation Report* (Exhibit A.26.2). The buffer may only be disturbed as minimally necessary utilizing erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" as demonstrated in the applicant's construction plans exhibited in A.26.3. [MCC 33.5520(A)(2)(a)]
18. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding. [MCC 33.5520(A)(2)(i)]
19. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream water-course or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition. [MCC 33.5520(B)(2)]

## **(H)**

### **LOR Conditions:**

1. To ensure that the Lot of Record for any proposed grouping is maintained the property owner shall aggregate contiguous lots as shown in Exhibit A.11.6 or similar to comply with a minimum lot size of 19 acres. Aggregation shall be through deed restrictions recorded that identify the properties that constitute a lot of record along with the development restrictions that go with the lot of record. [MCC 33.2075, Comp. Plan Policy 3.3]

## **(I)**

### **Parking/Signs/Lighting Conditions for the Burlington Creek Forest Unit:**

1. All parking spaces shall meet the dimensional standards in MCC 33.4175 including, aisle width and maintaining the required vertical clearance and marking compact parking spaces. The proposed access drive and parking area shall be paved as proposed. Gravel surfacing of the access drive and parking area is not authorized through this permit. Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design

providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable. [MCC 33.4180]

The deviation from the paved standard shall be subject to the following:

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider’s fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare;
2. be injurious to property in the vicinity or zoning district in which the property is located; or
3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include, but is not limited to, such considerations as provision for pervious drainage capability, drainage run-off control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

2. All exterior lights shall be fully shielded, non-reflective and opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached. The lighting must be contained within the boundaries of the Lot of Record on which it is located; to satisfy this standard, additional shielding may be required. The property owner shall submit to the land use planning office lighting fixture details. [MCC 33.0570(C), 33.4565(C)(3), 33.4185 and Policy 5.43]
3. One free standing sign identifying the nature park is allowed which shall not exceed a maximum sign face area of 40 square feet and 16 feet in height. Free standing signs shall not extend into the right-of-way. [MCC 33.7450 (A)]. Signs shall not be electronic message centers, flashing signs, rotating signs or have moving parts [MCC 33.7450(C)]. Prior to sign placement, the applicant shall obtain a Sign Permit from Multnomah County.
4. Directional signs in parking area shall be allowed for designating entrances, exits or conditions of use. There shall not be more than one such sign for each entrance or exit to a parking area [MCC 33.7465].
5. Directional signs shall comply with the following provisions of MCC 33.7490:

<b>Maximum Sign Face Area:</b>	<b>Six Square Feet</b>
Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall

Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet
Extensions into R/W:	Not Allowed
Lighting:	Indirectly Illuminated downward onto the sign face
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed

6. Signs allowed based on the length of one site frontage may not be placed on another site frontage. [MCC 33.7465]
7. No sign may be located within a vision clearance area as defined in MCC 33.7465. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less. [MCC 33.7465]

**(J)**

**Transportation Conditions:**

1. Apply for a Construction Permit (MCRR 9.200), pursuant to MCRR 6.100B, MCRR 9.200 and MCRR 16.225, which includes the grading and demonstration of sight-distance of 435 feet in the northbound direction and 260 feet in the southbound direction, to satisfy County safety requirements (as described in MCRR 16.225). This includes the necessary visual clearance improvements at the intersection of the proposed access to NW McNamee Road to meet the stopping sight distance for vehicles travelling northbound. Final approval will not be granted until applicant can demonstrate that this grading has occurred.
  - a. To ensure maximum safety of ingress and egress at the intersection with McNamee Road, the reconfigured access:
    - i. shall be perpendicular to the roadway;
    - ii. shall be raised such that a full vehicle length waiting at the edge of the roadway will be level with the road to improve sight distance.
  - b. All of the above improvements require the issuance of a corresponding construction permit.
  - c. Where applicable, the reconfigured access shall include a culvert to mitigate the impacts of the proposed development’s impervious surface as well as from the roadway that serves it. [MCRR 9.200, MCRR 6.100B, MCRR 9.200 and MCRR 16.225]
2. Parking restrictions will be required to ensure both the safety and efficiency of traffic flow for vehicles traveling on the roadway system. Signage is required as a mitigation measure. The County will require the following [MCRR 6.100B and MCRR 8.100B]:
  - a. Prohibit parking within 1,000 feet of frontage from the access on NW McNamee Rd (western, southbound frontage only for 500 feet on either side of the driveway).
  - b. Signage to warn of upcoming intersection ahead 500-feet from driveway for both northbound and southbound traffic.
  - c. Sign installation prior to park opening. The applicant is required to reimburse Multnomah County for the installation cost of these signs (see also 9.500 below).
3. Should the applicant wish to install directional/way finding signs within the County right of way to inform the travelling public of the entrance to Burlington Creek Nature Park, the applicant is required to obtain a Right of Way / Encroachment Permit for such signage [MCRR 18.250A(3)]

4. A project agreement is required between Metro and the County to establish terms and conditions of payments, installation, and maintenance of signs as required per conditions 2a and b and 3 above as applicable. The project agreement must be executed prior to opening of the development to the public. [MCRR 9.500]
5. Submit and obtain an Access / Encroachment Permit for the reconfigured access to NW McNamee Road after the 90%/100% plans have been approved by the County as part of the Construction Permit. [MCRR 18.250]. The driveway access must have an apron:
  - a. with a maximum width of 35 feet to meet County standards (MCDCM Table 1.2.4); and
  - b. that is paved 20 feet deep from the road surface of NW McNamee Rd into the access road (ODOT standard drawing RD715), to prevent erosion of the existing roadway surface on McNamee Road [MCDCM 2.1.1 (4)].

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code (MCC) criteria, Multnomah County Road Rules and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### **1.00 Project Description, Summary of Public Testimony and Compliance Findings:**

**Staff:** The regional government, Metro, has completed its North Tualatin Mountains Access Master Plan (“Master Plan”), which is “designed to provide a long-term vision and implementation strategy to guide future public use and development of the North Tualatin Mountains.” (Exhibit A.4.9). Metro’s Master Plan covers four physically separated sites (forest units) in the North Tualatin Mountains located in rural Multnomah County (in the West Hills Rural Plan Area) generally northwest of Forest Park, west of Highway 30 and the unincorporated community of Burlington, and east of both NW Cornelius Pass Rd. and NW Kaiser Rd. The four forest units are Burlington Creek Forest, McCarthy Creek Forest, Ennis Creek Forest, and North Abbey Creek Forest. (Exhibit A.3.3).

As part of its implementation of the Master Plan, Metro is now seeking Multnomah County land use approvals, which are necessary prior to any development associated with the Master Plan. Metro’s applications, and the associated County reviews, are divided into two primary categories.

The first category is an application to amend the Multnomah County Comprehensive Plan, which is the County’s land use policy document. Specifically, Metro is asking that the Multnomah County Comprehensive Plan designate Metro’s properties included in this application as units of a public local park for the purposes of trail recreation and the protection and enhancement of natural (Exhibit A.4). The Comprehensive Plan amendment is processed as a quasi-judicial plan revision, which follows the Type IV application procedures of Multnomah County Code (“MCC”) Chapter 37.<sup>1</sup>

The second category of approvals sought by Metro are applications for the permits required to develop multi-use recreational trails, trail related structures (including seven bridges and a boardwalk, all constructed out of non-combustible fiberglass) (Exhibit A.9), related automobile parking (25 spaces), an information kiosk and a restroom (a single building, single stall vault-toilet – Exhibits A.3.37, A.3.28, A.3.55) at Burlington Creek Forest. The trails would consist of 2.3 miles of existing forest practices road (loop road) and an additional 5.6 miles of new trails for a total of approximately 8 miles of trails (Exhibit A.26). These permits include the Conditional Use / Community Service Use permits and all related development permits, such as the Significant Environmental Concern and Hillside Development permits needed to develop the park improvements. These permits are collectively treated as a Type III application. The applicant has opted to process the Type III permits under the same procedures and timelines as a Type IV application (Exhibit A.5).

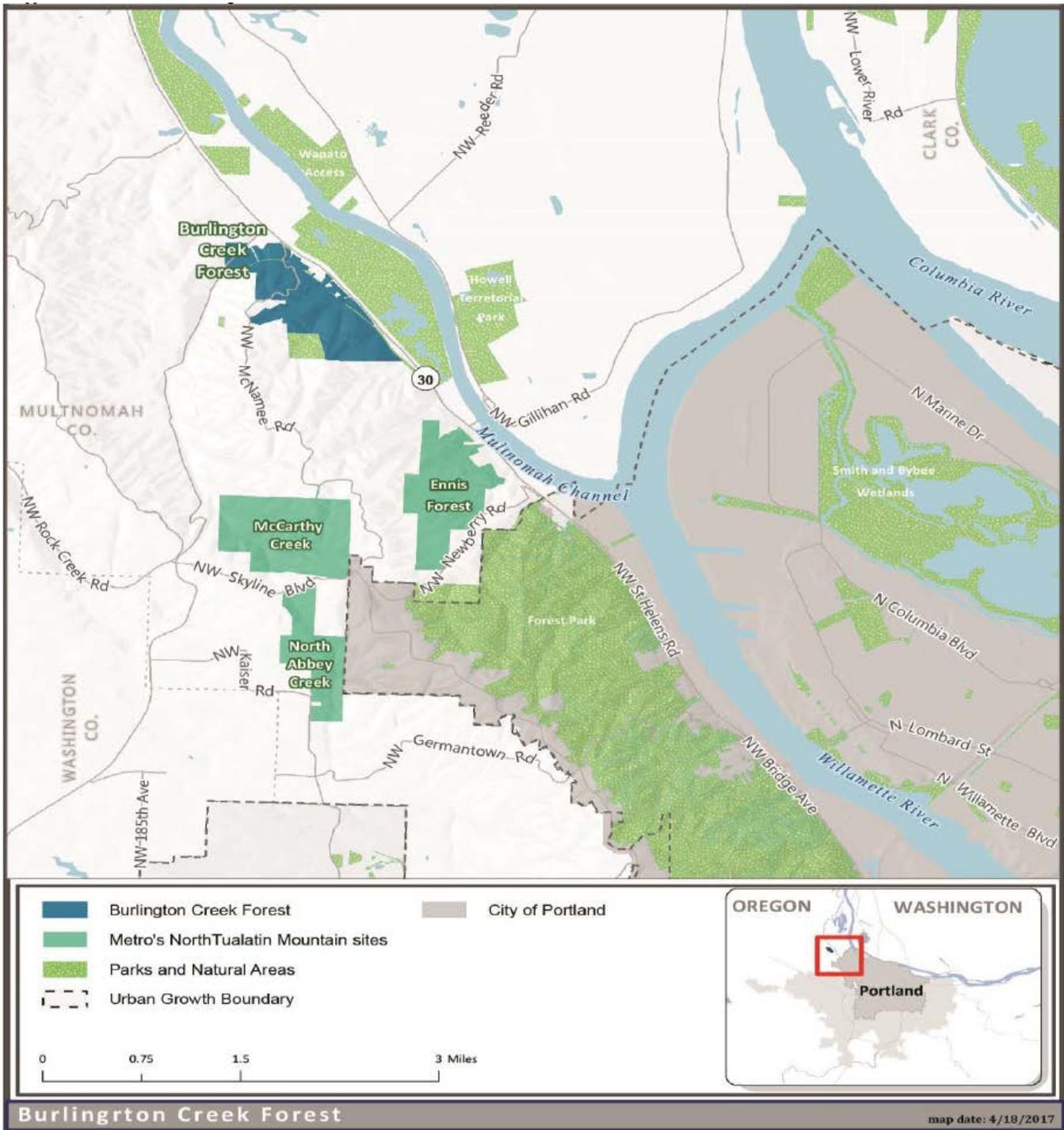
It is important to note that trail development and related parking and restrooms are currently proposed only at Burlington Creek Forest. Trails and/or other improvements at any other forest unit sites would be subject to future development applications.

### **Proposed Park Sites**

Below is a map showing the four forest units proposed as public parks. Note that Burlington Creek Forest is shown in a darker shade indicating that it is also the only unit with a concurrent development proposal:

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<sup>1</sup> After Metro filed its applications, the County consolidated multiple chapters of the land use code, including Chapters 33 through 37, into a single new chapter (Chapter 39). However, under state and local law, the code in place at the time the application was filed is the code applicable to Metro’s applications. Former Chapters 33 through 37 applicable to Metro’s applications can be found at <https://multco.us/landuse/zoning-codes>.



Source: Metro (Exhibit A.3.3)

The site descriptions and contemplated uses at each of the units are summarized below:

### Burlington Creek Forest

The Burlington Creek Forest unit is comprised of numerous parcels totaling approximately 340 acres in the Commercial Forest Use-1 (CFU-1) zone and 17 acres in the Commercial Forest Use-2 (CFU-2) zone. Approximately 5 acres are located within the Multiple Use Agriculture (MUA-20) zone (Exhibit B.61). The surrounding area includes rural residential, forestry, conservation and mineral extraction uses (Exhibit A.4.3). The

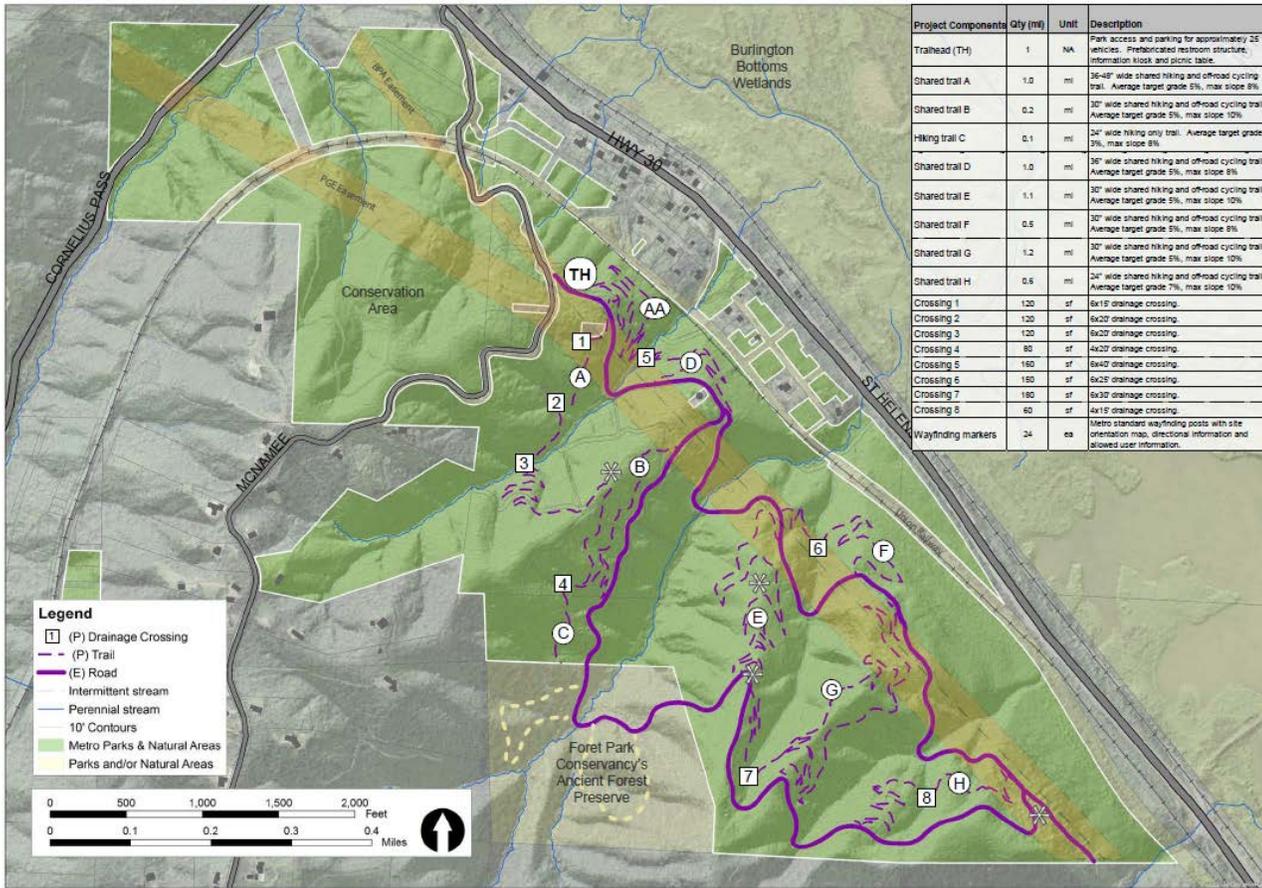
site has been previously managed for forestry, and there are a number of former logging roads (forest practices roads) that are currently informally used by the public as multi-use trails (Exhibit A.4.5).

NW McNamee Road, NW Cornelius Pass Road and the railroad line following Highway 30 and NW Cornelius Pass Road all cross through the Burlington Creek Forest as well as Portland General Election (“PGE”) and Bonneville Power Administration (“BPA”) power lines which run north through the site. The Burlington Water District owns and operates a water tank on a small parcel owned by the district, surrounded by Metro property.

The development Metro is proposing in its current Conditional Use / Community Service Use and related permit applications includes a 25-space parking lot including one ADA space, a restroom building (vault toilet), information kiosk, a trailhead (Exhibit A.3.37), and new multi-use trails (Exhibit A.3.40) designed specifically for hiking and non-motorized off-road cycling, including seven fiberglass bridges at stream crossings and a 15-foot long fiberglass boardwalk structure (Exhibits A.3.40, A.9.1 and A.18). Additionally, hiking, biking and horse riding is proposed on the existing forest practices road (loop road) located on the site. The trails would consist of 2.3 miles of existing forest practices road (loop road) and an additional 5.6 miles of new trails for a total of approximately 8 miles of trails (Exhibit A.26). The improvements proposed at the Burlington Creek Forest site are part of Phase 1 of implementation of the Master Plan, and would be the only development approved as part of the development permits in the current Type III application and subject to this report. Later phases, while generally contemplated in the Master Plan and the proposed Comprehensive Plan Amendment, would be subject to separate permit applications and approvals at a future time.

Metro’s stated objectives for the site include: “Providing a system of trails that serve appropriate and multiple uses and abilities, including hiking, off-road cycling, and wildlife viewing; providing scenic viewpoints; providing safe non-motorized and vehicle access to the area; providing necessary site amenities and infrastructure to serve visitors; providing a family-friendly environment with opportunities for people of all ages and abilities to enjoy the site; and following ‘sustainable trails’ guidelines for all trail development.” (Exhibit A.4.5) Access and parking is proposed off of NW McNamee Road. Conservation and restoration are also contemplated for the site. (Exhibit A.4.10).

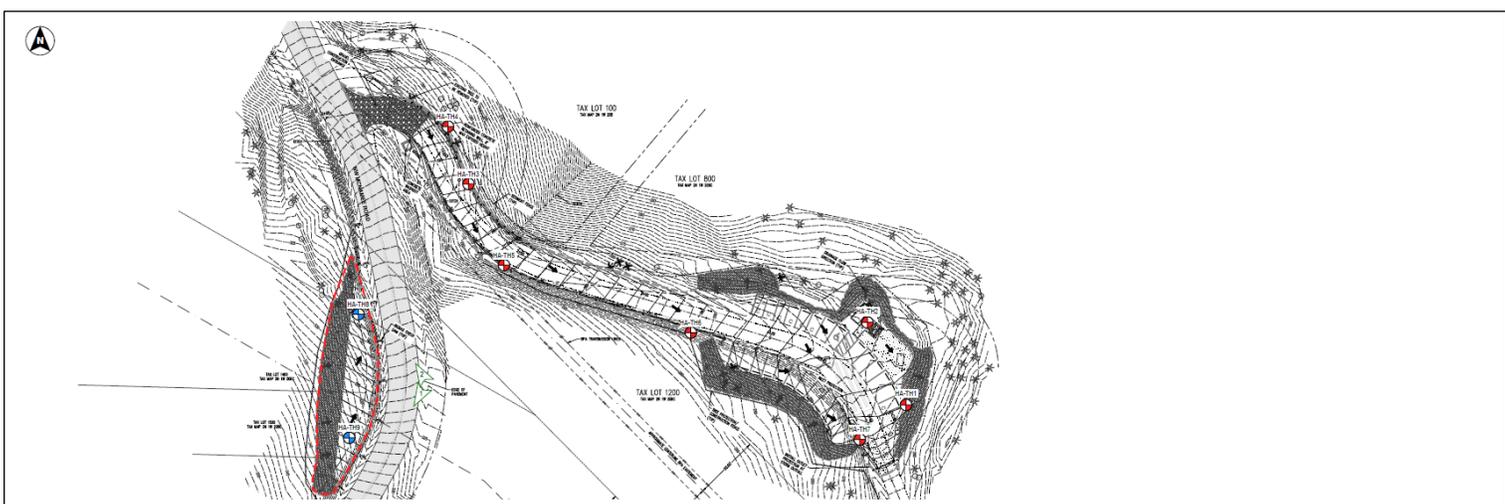
# Proposed trail system and stream crossings at Burlington Creek Forest



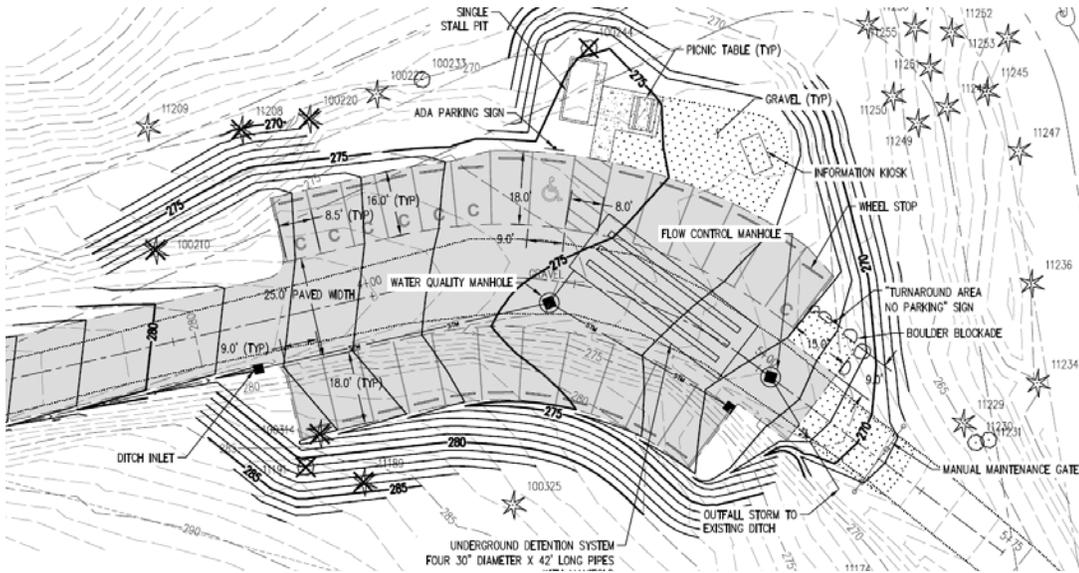
  
 Burlington Creek Forest  
 Nature Park  
 OVERVIEW  
 SUBMITTAL:  
 30% REVIEW SET  
 DATE:  
 15 DEC 2017

Source: Metro (Exhibit A.3.40)

## Proposed access and parking at the trailhead



Source: Metro (Exhibit A.23)



Source: Metro (Exhibit A.3.37)

### Ennis Creek Forest

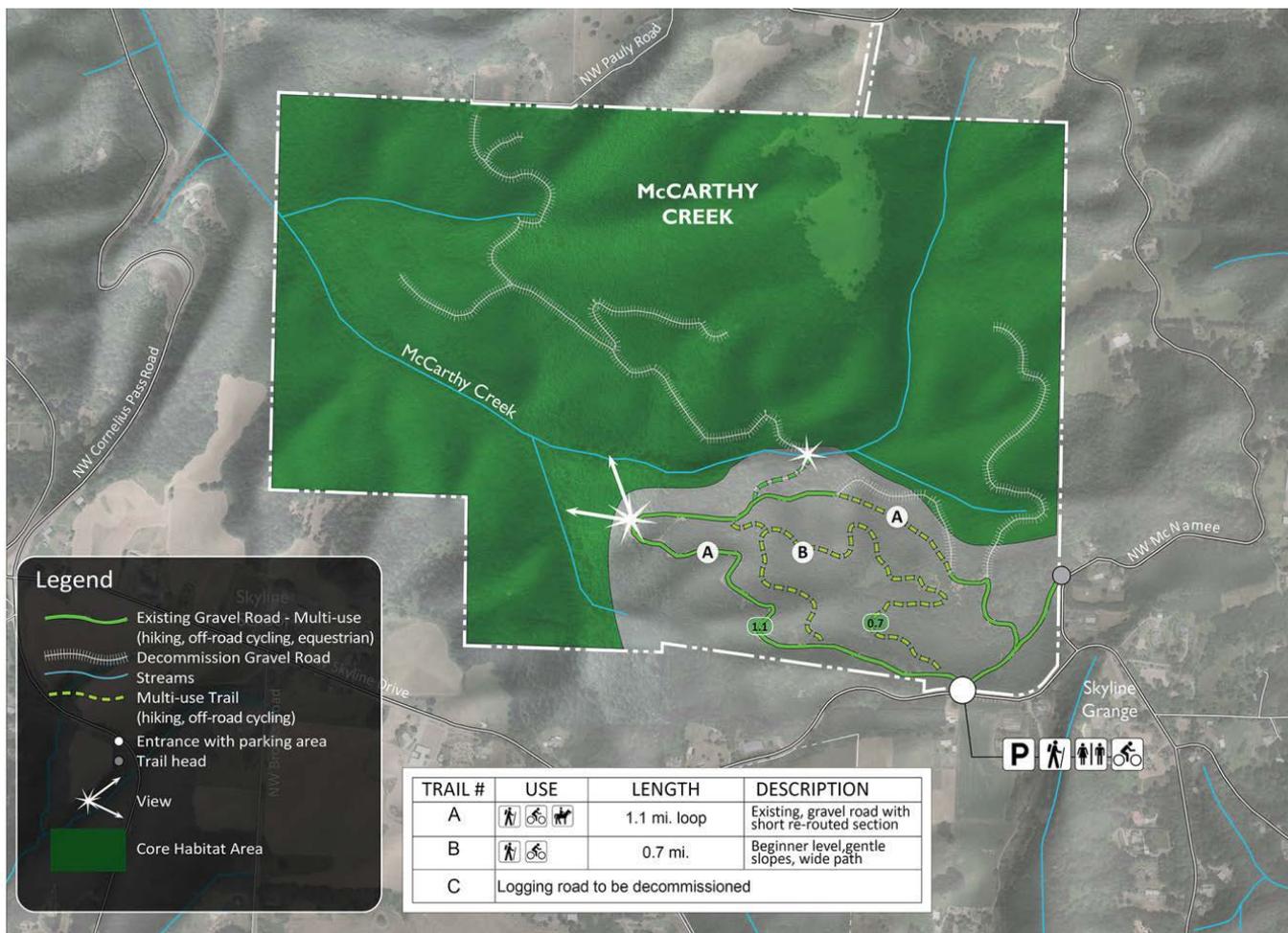
The Ennis Creek Forest is approximately 350 acres in the CFU-1 zone and 4 acres in the Rural Residential (RR) zone (Exhibit B.61). The north half is similar in character to Burlington Creek Forest, composed of young conifer and hardwood forest. No improvements are currently proposed for the site. However, Metro does contemplate a possible future north-south trail connector, which is envisioned by state and regional trail planners as a section of the contemplated Pacific Greenway Trail that would eventually connect the Portland region with the Oregon Coast. Metro’s stated focus at the Ennis Creek site is on “restoring and improving natural resources, forest health, habitat, and water quality associated with the site.” (Exhibit A.4.5)



Source: Metro (Exhibit A.4.27)

### McCarthy Creek Forest

McCarthy Creek Forest, a former tree farm, is approximately 402 acres primarily within the CFU-1 zone (26.52 acres located within the CFU-2 zone) (Exhibit B.61). There are a number of old logging (forest practices) roads on the site (Exhibit A.4.31). A future phase of trail development would utilize an existing loop road in the south half of the site for hikers and equestrians. Metro plans to decommission other existing roads on the site. The Master Plan envisions the future ‘Phase 2’ development that would include a parking lot, trailhead, interpretative and way finding signs, picnic tables and shared use trails, though these improvements would be subject to future development permits and are only generally contemplated as part of the Comprehensive Plan amendment – the Comprehensive Plan amendment does not authorize any future improvements to McCarthy Creek Forest. Metro indicates that core habitat along the north and west parts of the sites will be preserved (Exhibit A.4.5).



Source: Metro (Exhibit A.4.32)

### North Abby Creek Forest

Burlington, Ennis, and McCarthy Creek forests are all located on the east of the Skyline Ridge, and within the Columbia River Watershed. North Abbey Creek Forest, located southwest of Skyline Ridge, is the only site in the Tualatin River watershed. The site is approximately 211 acres. The northern 134 acres of the site are within the CFU-2 zone while the southern 77 acres are within the Exclusive Farm Use (“EFU”) zone (Exhibit B.61). Metro intends to protect the headwaters of North Abby Creek, which flows the length of the site through a steep canyon. The forest features a diverse canopy, including big leaf maple and

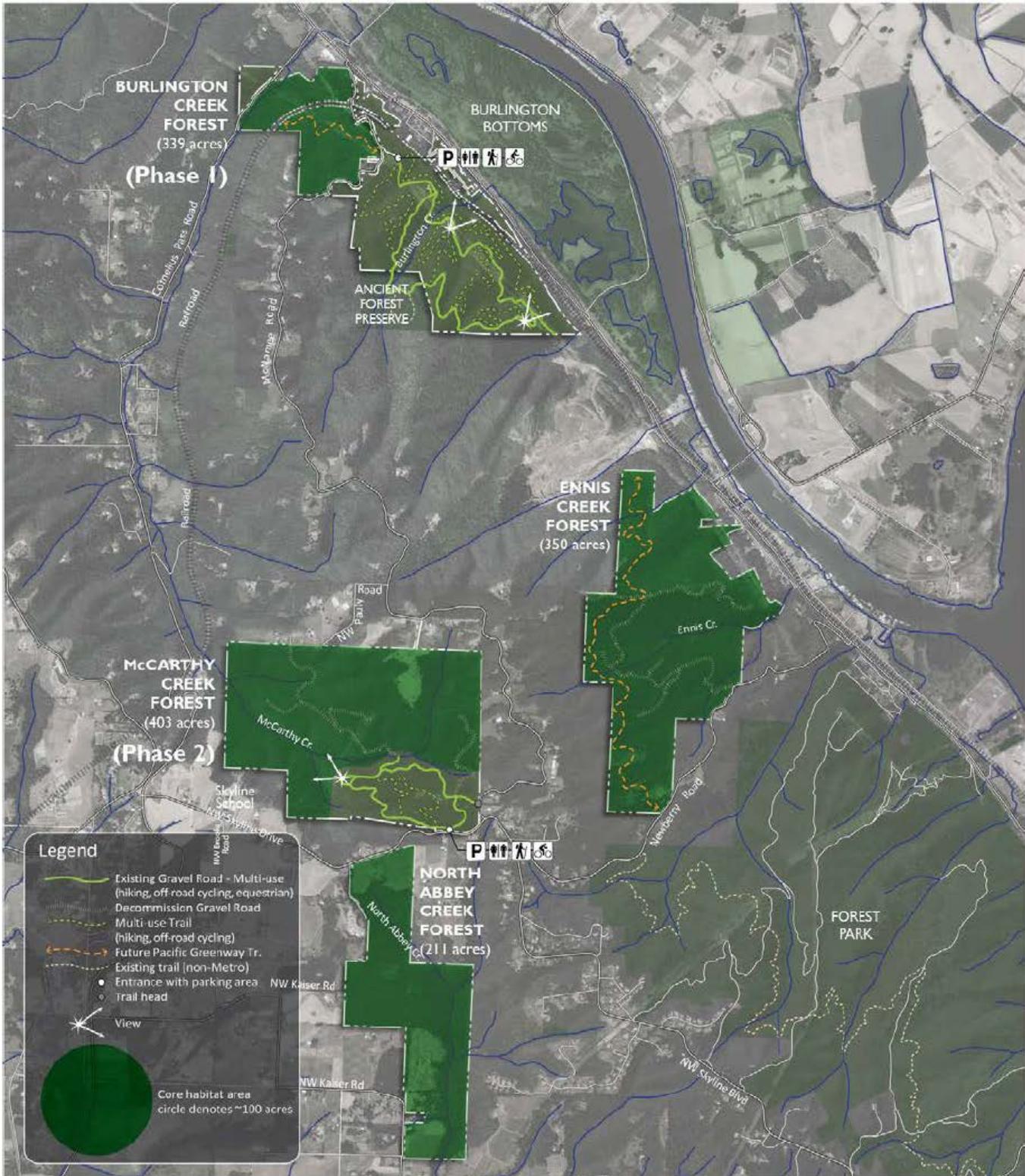
Douglas fir. Metro's focus for the site includes restoring and improving natural resources, forest health, habitat, and water quality. No trails or improvements are proposed for the site (Exhibit A.4.5).

**North Abbey Creek Forest Site**



Source: Metro (Exhibit A.4.33)

# Overview of the four forest units



Source: Metro (Exhibit A.4.27)

## Summary of Testimony Received

Staff has received 88 written comments (Exhibits D.1 through D.88) as of the date of this report totaling many hundreds of pages, including commenters' own exhibits and attachments. Given this large volume, staff includes as Exhibit B.75, a log of the comments received which provides a snapshot of the general topics raised in the comments and identifies Comprehensive Plan Policies, and Multnomah County Code Sections raised in the comments. Many comments are clearly in support or opposition of the proposal and the focus appears to be on the proposed development and use of recreational trails.

Comments received after the date of this report are not reflected as part of Exhibit B.75 – timely comments received after this report are still included as part of the record for consideration by the Planning Commission and the Board of Commissioners.

## Compliance Findings

### **MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.**

**Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.**

**(A) A permit or other approval, including building permit applications, may be authorized if:**

**(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**

**(2) It is necessary to protect public safety; or**

**(3) It is for work related to and within a valid easement over, on or under an affected property.**

**(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.**

**Staff:** This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and

structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 37.0560.

For purposes of the current application staff identified that there may be encroachments (development that trespasses onto Metro’s property) associated with neighboring properties that are physically located on Metro owned properties. The applicant correctly points out that no development is proposed on the lots adjacent to the properties located at 16605 NW Wapato and 17311 NW St. Helens and therefore there is no requirement or authority provided under MCC 37.0560 to address the possible encroachments as part of this proposal. (Exhibit A.9 – Metro June 8, 2018 letter). Further, Metro has withdrawn the affected parcels from the application (Exhibit A.28).

As Metro notes, the property at 16900 NW McNamee Rd. is not part of the subject use application (Exhibit A.9); although surrounded by the Burlington Creek Forest, the property is owned by the Burlington Water District (the “District”) and is the location of their water tank. The water tank was permitted as a replacement to the original water tank (Exhibit B.70). The new water tank was replaced under the Nonconforming use provisions of MCC 33.4500 through 33.4565, which allowed the new water tank to be placed within the same footprint of the original. It appears that the new water tank has been placed in the same location based on a comparison of air photos from 2012 and 2016 (Exhibits B.71 and B.72).

**2.00 Base Zone Criteria (includes Exception to Secondary Fire Safety Zones):**

**2.00 Base Zone Criteria:**

**Staff Note:** The applicant’s application for a Comprehensive Plan amendment to designate four forest units as a local public park covers subject properties located in multiple base zones: Commercial Forest Use – 1 (CFU-1), Commercial Forest Use – 2 (CFU-2), Exclusive Farm Use (EFU), Multiple Use Agriculture – 20 (MUA-20), and Rural Residential (RR) (Exhibit B.61). To determine whether a local park designation is appropriate on the subject properties located in those zones, it is necessary for staff to determine whether local parks are a permissible use in those zones. Those findings are addressed in Sections 2.05, 2.36, 2.42, 2.45, 2.46, 2.49, and 2.53. Because the Comprehensive Plan amendment does not approve development on the subject properties, however, staff need not apply any of the development criteria in those zones to the Comprehensive Plan amendment application.

The applicant’s application to make improvements in Burlington Creek Forest does involve development, and therefore the development standards must be applied to the relevant subject properties. All development proposed in Burlington Creek Forest is on land zoned CFU-1, and the findings in Section 2.01 to 2.32 therefore address the Burlington Creek Forest development applications under the CFU-1 development standards.

**Commercial Forest Use – 1 (CFU-1) Zone:**

<b>2.01</b>	<p><b>§ 33.2000- PURPOSES</b></p> <p><b>The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of</b></p>
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wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger “Lots of Record” those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all “tract” grouping requirements of state statute and rule.

**Applicant:**

*“Applicant proposes a public nature park with new visitor access improvements and a natural surface, multi-use trail system on a portion of Metro’s Burlington Creek Forest area. The improvements protect water quality and fish and wildlife habitat, while creating opportunities for the community to enjoy nature.”*

**§ 33.2005 AREA AFFECTED**

**MCC 33.2000 through 33.2110 shall apply to those lands designated CFU– 1 on the Multnomah County Zoning Map.**

**Applicant:**

*“Applicant is proposing a public nature park, including visitor access improvements, over properties zoned CFU-1. Metro is proposing an improved access drive, parking area, trail head, and additional trails over portions of the following properties: 2N1W20B-00100; 2N1W20B-00300; 2N1W20B-00400; 2N1W20B-00500; 2N1W20B-00600; 2N1W20BC-00800; 2N1W20BC-00900; 2N1W20BC-01000; 2N1W20BC-01200; 2N1W20C-00100; 2N1W20C-00200; 2N1W20C-00300; 2N1W20C-00400; 2N1W20C-00500; 2N1W20C-00600; 2N1W20C-00700; 2N1W20BD-03700; 2N1W20-00400. Metro is proposing visual clearance grading activities (off-site from use activities) for a portion of the following properties: 2N1W20BC-01400; 2N1W20BC-01500; 2N1W20BC-01600; 2N1W20BC-01700.”*

**Staff:** The proposed Comprehensive Plan amendment covers properties located within the CFU-1 zone within the West Hills Rural Plan Area. (Exhibit B.61). Additionally, the improvements proposed in the Burlington Creek Forest unit through the current development application are all proposed in the CFU-1 zone. Lot of Record is addressed in Section 8.00 of this report. All of the phase 1 development would be located within the CFU-1 zone in the Burlington Creek unit or adjacent when accounting for right of way and sight distance improvements along NW McNamee Road.

**2.02**

**§ 33.2015 USES**

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.2035 when found to comply with MCC 33.2045 through 33.2110.**

**Applicant:**

*“Applicant is requesting permission to formalize, improve, and construct visitor access improvements to serve the public natural area. The proposed uses are allowed uses as demonstrated below. Applicant demonstrates compliance with MCC 33.2045 through 33.2110 below.”*

**Staff:** This standard provides that only those buildings, structures, and uses expressly allowed in the Code can be established in the CFU-1 zone, and that those buildings, structures, and uses must be established consistent with the Code standards for that zone.

Comprehensive Plan Amendment

As to the Comprehensive Plan amendment application requesting that the County designate the North Tualatin Mountains Nature Park as a local park, local parks are a use listed in MCC 33.2020 through 33.2035. More specifically, local parks are a conditional use under MCC 33.2030(A)(9)(b), which is discussed in Section 2.05 of this staff report. *Therefore, as to the Comprehensive Plan amendment application, this standard is met.*

Burlington Creek Forest Development

The proposed improvements and uses at the Burlington Creek Forest site include a parking lot for 25 vehicles (including one ADA space), a restroom, an information kiosk (Exhibit A.3.37), and new multi-use trails (including seven bridges and a board walk structure) designed specifically for hiking and off-road cycling (Exhibits A.3.40, A.9.1 and A.18). The existing forest practices loop road is 2.3 miles of and new trails would add nearly 5.6 miles of natural surface multi-use trails (approximately 8 miles total) (Exhibit A.26). Additionally, hiking, biking and horse riding occur on the existing forest practices road located on the site. The uses and structures proposed in Burlington Creek Forest are conditional uses under MCC 33.2030(A)(9)(b), which is addressed in Section 2.05 of this staff report. The applicable standards of MCC 33.2045 through 33.2110 are addressed in Sections 2.06 through 2.25 of this report. *Therefore, as to the Burlington Creek Forest development applications, the proposed uses and structures are listed in MCC 33.2020 through 33.2035 and compliance with MCC 33.2045 through 33.2110 is addressed below.*

**2.03**

**§ 33.2020 ALLOWED USES**

**(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:**

**(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;**

**\*\*\***

**(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.**

\* \* \*

**(V) Signs, as provided in this chapter.**

**Applicant:**

*“Applicant is proposing to physically alter the land auxiliary to the land management and forestry practices engaged in on site for the purposes of supporting access and recreational facilities. The uses proposed are permitted/allowed uses pursuant to Goal 4 and in the CFU-1 district. This standard is met.”*

**Staff:** This standard lists uses that are allowed in the CFU-1 zone. Forest practices such as reforestation, tree harvesting, thinning, and forest practices roads are allowed uses in the CFU-1 zone. In addition, physical alterations to the land, including recreational facilities, which are auxiliary to forest practices also are an allowed use in the CFU-1 zone. The term “auxiliary” is defined in MCC 33.2010 and that definition provides, in part, that “[a]n auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.” Signs also are an allowed use in the CFU-1 zone subject to the provisions of MCC 33.7450.

Comprehensive Plan Amendment

Although the Master Plan suggests that forest practices may occur in some of the forest units, the Comprehensive Plan amendment does not seek approval for those uses. Instead, the proposed Comprehensive Plan amendment seeks only to designate four forest units as a “local park.” Because a “local park” is a conditional use, rather than an allowed use, in the CFU-1 zone this standard does not apply to the proposed Comprehensive Plan amendment.

Burlington Creek Forest Development

The application for development in Burlington Creek Forest does not indicate that any forest practices will include structures including those that are “temporary in nature” or “removed when the particular forest practice \* \* \* is concluded.” The proposed uses do not include structures that are “physical alterations to the land auxiliary to forest practices.”

The applicant has proposed signs in Burlington Creek Forest, and those signs are an allowed use. That proposal is further addressed in Section 9.00 of this report.

**2.04**

**§ 33.2025 REVIEW USES**

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

\* \* \*

**(F) Off-street parking and loading as required by MCC 33.4100 through 33.4220.**

**Staff:**

Comprehensive Plan Amendment

Although the Master Plan suggests that parking may occur in some of the forest units, the Comprehensive Plan amendment does not seek approval for proposed parking. Instead, the proposed Comprehensive Plan amendment seeks only to designate four forest units as a “local park.” Because a “local park” is a conditional use, rather than a review, in the CFU-1 zone this standard does not apply to the proposed Comprehensive Plan amendment.

Burlington Creek Forest Development

The applicant has proposed off-street parking in Burlington Creek Forest and that use is permitted as a review use, subject to MCC 33.4100 through 33.4220. Exhibit A.3.37. The off-street parking provisions are addressed in Section 9.00 of this report.

2.05

**§ 33.2030      CONDITIONAL USES**

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

**(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2061, 33.6000 through 33.6010, and 33.6100 through 33.6230:**

\* \* \*

**(9) State and Local Parks.**

\* \* \*

**(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].**

**Applicant:**

*“Applicant is proposing a public nature park with visitor access improvements and multiuse trail system on a portion of Metro’s Burlington Creek Forest area. Metro is proposing to formalize, improve, and expand the existing recreational opportunities on site. Most of what Metro is planning on the forestry resource land (restoration and land management activities, access roads, and recreational trails) are outright permitted uses under Goal 4 and MCC 33.2020.1 The starting point for determining permissible uses and facilities on forestry resource land is Goal 4. One primary objective of Goal 4 is “to provide for recreational opportunities” on forest lands. As such, Goal 4 provides that recreational opportunities, and necessarily their accessory/support elements (e.g., parking area, shelter, restroom, informational signs/maps, etc.), that are appropriate in a forest environment, are allowed on forest lands. However, County staff is of the opinion that because Metro is proposing an improved parking lot and related amenities, the proposed use rises*

*above the uses permitted outright by Goal 4 and MCC 33.2020, and now becomes a public “local park” use regulated by OAR 660-034-0035 and 0040. Uses expressly permitted in local parks by OAR 660-034-0035/0040 include day use areas, recreational trails (for walking, hiking, biking, and horses), staging areas, and support facilities such as parking areas, restrooms, signs, etc.*

*The proposed visitor access improvements and related amenities are permitted under Goal 4 and/or state administrative rules and County code. This standard is satisfied. Applicant demonstrates compliance with additional applicable standards below.*

*1. If a use is not permitted by Goal 4, state law - OAR 660-034-0035/0040 - provides two alternative avenues to permit recreational development on resource land under the category of a state or local park and which do not require an exception to Goal 4. For less intensive facility development, such as a parking area, the uses are allowed through a traditional development application (for example: design review). For more intensive facility development, such as a tennis court, pool, or music venue, a park provider can pursue a master planning process, rather than the exception process.”*

**Staff:**

Comprehensive Plan Amendment

The applicant is seeking to designate the North Tualatin Mountains Nature Park as a local public park in the County’s Comprehensive Plan. Some of the properties within the Nature Park are zoned CFU-1, and the County therefore must determine whether a local public park is a permissible use in the CFU-1 zone before approving the local public park designation on those properties.

A “local park” is a permitted conditional use in the CFU-1 zone. As relevant here, a “local park” is defined as “[1] a public area intended for open space and outdoor recreation use that is [2] owned and managed by a \* \* \* regional government \* \* \* and [3] that is designated as a public park in the applicable comprehensive plan and zoning ordinance.” That definition mirrors the definition provided in state administrative rule (OAR 660-034-0010(8)).

Here, the North Tualatin Mountains Nature Park, as described in the Master Plan, is a public area intended for open space and outdoor recreation use. (*See, e.g.,* Exhibit A.4 at page 7-8). In addition, the area is owned and managed by Metro, which is a regional government that owns and manages many parks and natural areas around the region. (Exhibit A.4 at page 58-59). Finally, if this Comprehensive Plan amendment is approved, the Nature Park will be designated as a public park in the County’s Comprehensive Plan. Because the North Tualatin Mountains Nature Park will meet the definition of a “local park” upon approval of this Comprehensive Plan amendment, and a “local park” is a permissible use in the CFU-1 zone, the County can designate the CFU-1 properties in the Nature Park as a local public park.

Burlington Creek Forest Development

If the Comprehensive Plan amendment is approved, and Burlington Creek Forest is designated as part of a local public park in the Plan, then the next issue is whether the development proposal complies with the requirement in this section that uses in a local park be limited to those specified in OAR 660-034-0040.

	<p>As confirmed in findings in Section 13.00 of this report, all of the uses proposed in the Burlington Creek Forest development application are uses allowed in a local park, as listed in OAR 660-034-0040. Therefore, those uses are permissible in the CFU-1 zone, subject to the Conditional and Community Service standards, which are addressed in Section 10.00 of this report.</p>
<p><b>2.06</b></p>	<p><b>§ 33.2045 USE COMPATIBILITY STANDARDS</b></p> <p><b>Specified uses of MCC 33.2025 (D) and (E) and MCC 33.2030 (A), (B) and (C) may be allowed upon a finding that:</b></p> <p><b>(A) The use will:</b></p> <p><b>(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;</b></p> <p><b>Applicant:</b></p> <p><i>“This standard seeks to protect the ability of surrounding forest lands to be put to Goal 3 and 4 uses. The standard seeks to prevent or mitigate for new uses that will force a “significant change in” or “significantly increase the cost of” farm and forest practices. The standard does not prohibit uses that result in any impact, rather it only seeks to avoid or otherwise mitigate for those uses that represent a significant impact or change from existing conditions on surrounding resource uses. The term “accepted farming practice” is defined by statute as “a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.” ORS 215.203(2)(c). Accordingly, not all activities related to a farm use amount to an “accepted farming practice.” Only those farming activities that are intended to make a profit (as compared to hobby farms) are accepted farming practices for the purposes of determining whether this criterion is satisfied. Accepted farm practices include planting and harvesting of crops and nursery stock, plowing fields, use of accessory farm structures, application of fertilizers and pesticides, and the movement of farm vehicles and trade vehicles. Nursery and berry crops, as well as any vegetable crops, require irrigation in summer months. Factors that could increase farming costs are water contamination, weed contamination in crops, changes in farming patterns, land value influences, lack of irrigation water, overspray, and interfering with the movement of farm vehicles. Likewise, “accepted forest practice” is a mode of operation common to forest lands of a similar nature, necessary for the timber land to obtain a profit in money, and customarily used in conjunction with timber production. Accepted forestry practices include timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), road construction and maintenance, wildlife and water resource protection. Factors that could increase forestry harvest costs include weed contamination, a change in forestry patterns, precluding access to timber land, interfering with the movement of log trucks, and locating non-forestry dependent uses in close proximity to forestry uses. For purposes of this standard, the analysis area are those lands adjacent to the Burlington Creek Forest Natural Area. As depicted in the boundary lines above [Exhibit A.3.47], Metro’s Burlington Creek Forest site is located on the east facing slopes of the mountain ridge and is similar in character to Forest Park, with forested hillside and fairly steep topography typical of the area. The site is located outside of the Urban Growth Boundary in unincorporated Multnomah County. Burlington Creek Forest is comprised of numerous parcels zoned Commercial Forest Use covering approximately 350 acres. The area surrounding Burlington Creek Forest contains a mixture of land uses including</i></p>

*residential, timber harvest, gravel extraction, ancient forest preserve, and wetland. However, given its location on the eastern slope with the railroad lines and State Highway 30 to the east, the property is rather isolated from surrounding uses. McNamee Road, Cornelius Pass Road and the railroad all cross through the Burlington Creek Forest. Additional infrastructure includes power line corridors running the length of the site, logging roads, and a Burlington Water District water tank that serves the neighborhood below. Exhibit 13 [Exhibit A.3.30]. Connectivity between Burlington Creek Forest and Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by Highway 30, local roads, residential development, and the railroad line. Figure 4 Site Aerial [Exhibit A.3.48]*

*Surrounding land uses of note include the following:*

- Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.*
- Rural Residential: Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential areas are located along NW McNamee, west of the forest, and also adjacent to Highway 30, below the forest. The residential uses adjacent to Highway 30 are typically solely residential in nature. While many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.*
- Ancient Forest Preserve: The Ancient Forest, owned and managed by the Forest Park Conservancy, protects nearly 40 acres of old growth forest adjacent to the southwest corner Burlington Creek Forest site. The conservancy welcomes visitors to the Ancient Forest and has recently extended the trail system.*
- Burlington Bottoms: The roughly 400-acre Burlington Bottoms wetlands, owned by Bonneville Power Administration (BPA) and managed by Oregon Department of Fish and Wildlife (ODFW), lie northeast of Burlington Creek Forest.*

*The railroad lines are located west of the homesites along Highway 30, with Burlington Creek Forest, uphill from the rail lines.*

*Figure 5 Site Aerial (northern portion) [Exhibit A.3.49]*

*Figure 6 Site Aerial (northwest/west of access road and forest) [Exhibit A.3.50]*

*Figure 7 Site Aerial (west of forest) [Exhibit A.3.51]*

*There are no commercial farming activities occurring on lands adjacent to the property. Therefore, no activities proposed will result in significant impacts to or significantly alter farm uses. The timber/forestry related activities that may occur on the properties adjacent to McNamee and the subject property, if the owners were to engage in harvesting activities, include: Timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance. The forestry operations are located a substantial distance from the proposed access improvements. Therefore, no activities proposed will result in significant impacts to or significantly alter those forest uses. Proposing and confining the access improvements to the interior of the site and buffering those uses with additional Metro land holdings further isolates the use and thereby minimizes impacts, if any. Currently, the subject forested site is used for recreational activities in an informal and largely unsupervised manner. Visitors access the site via the existing access drive, park vehicles adjacent to the existing gate and adjacent to NW McNamee Drive, and recreate on the property in a variety of ways, including hiking and bicycling. Activities occurring on site currently do not impede any forestry operations in the general vicinity. Metro is proposing to formalize and improve visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring. Additional impacts to the surrounding neighborhoods from proposed limited site improvements and formalized public use will be minimal. The site is isolated from adjacent property and uses given its sheer size. Uses are promoted in the*

*interior of the forest. Additional Metro objectives include: Providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, providing setbacks and buffers, and monitoring the use. All rules and regulations at the nature park will be consistent with Metro's Title 10, which outlines regulations governing the use of Metro owned and operated regional parks and natural areas in order to protect wildlife, plants, and property, as well as promotes the safety and enjoyment of those visiting these facilities. For public security and safety, hours of operation and regulatory signs will be installed at the access point. Regulatory signs will include public use restrictions, such as no fires, camping, hunting, or motorized vehicles, and other uses outlined in Metro's Title 10. Vehicle access will be controlled with automatic gates to prevent after hours use. Gates will be locked daily at park closure times. Boundary markers will be installed along the perimeter of the natural area to clearly delineate the public/private edge. Regular maintenance of the park will include toilet cleaning, litter pick-up and general monitoring. Routine seasonal maintenance of the natural area, including trails, will also occur. Metro Park Rangers, land managers, volunteer coordinators, nature educators and scientists will ensure successful operation, maintenance, and continued use of the site. The uses currently occurring and proposed to be formalized are recreational and passive in nature. Other site activities will preserve and rehabilitate upland forest, riparian habitat, and forest health. The only use that may emanate any negative impact is additional recreational use – such as noise or traffic. However, recreational uses are substantially buffered from any farm and forestry operation by distance, topography, the location of the use on the property, minimal forested uses, adjacent rural residences, and large lots being managed for parks or natural areas that surround the park. There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate. Exhibit 3 [Exhibit A.3.19 ]. Given the distance of potential resource related activities from the subject park, as well as the location of the use activities made within the park, together with topographical protections, the potential for conflicts is minimal to none. The prohibited significant impact standard is not approached. This standard is met.”*

**Staff:** In the Burlington Creek Forest development application, the applicant is seeking to establish the uses identified in MCC 33.2030(A)(9), which provides that uses in a local park may include, among other things, recreational trails, day use areas, bridges and walkways, restrooms, and parking areas. See OAR 660-034-0040(4). Therefore, this standard is applicable to the Burlington Creek Forest development application.

The purpose of the standard is to ensure that the proposed use, in this case uses within a 'local park,' will not force a significant change in, or significantly increase the cost of, forestry and farming on the surrounding CFU-1 zoned lands.

The lands surrounding the Burlington Creek Forest subject properties are largely within the CFU zone and are forested. No surrounding lands are within the EFU zone. Recent air photos (Exhibit B.77) do not reveal typical commercial agricultural cultivation. Periodic timber harvests are typical on private forest lands such as those surrounding the Burlington Creek Forest.

The proposed parking, restrooms, and trails and bridges will be located far enough away (130 feet or more) from surrounding properties outside of Metro's ownership that there will be no significant change or increase the cost of forestry and farming on surrounding lands. Typical conflicts between forestry or farming activities and recreational uses include noise and dust. However, because parking and trail activities internal to the Burlington Creek Forest are relatively far away from

2.07	<p>surrounding properties that may have forestry or farm activities, no conflicts are expected. <i>The standard is met.</i></p> <p><b>(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and</b></p> <p><b>Staff:</b> This standard requires the applicant to demonstrate that the use will not significantly increase (1) fire hazard; (2) fire suppression costs; or (3) risks to fire suppression personnel.</p> <p>While there is likely an increased risk of starting a fire by the public using the site (<i>i.e.</i>, an increased fire hazard), which could lead to increased fire suppression costs and risks to fire suppression personnel, Metro plans to mitigate that risk in multiple ways:</p> <ol style="list-style-type: none"> <li>(1) Proactively manage fire fuels on the site. (Exhibit A.3, page 18).</li> <li>(2) Restoration work and long term management strategy for the Burlington Creek Forest includes identifying and reducing fire risks where possible, including thinning, fuels reductions, native plantings, riparian restoration, monitoring, and access road maintenance. (Exhibit A.3, page 18).</li> <li>(3) Metro indicates that it follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions and that if very high fire conditions are present, Metro would prevent certain activities and may temporarily close areas. In this effort, Metro will work with local fire prevention and suppression agencies. (Exhibit A.3, page 18)</li> <li>(4) Camping, fires of any kind, smoking, fireworks, and discharging firearms would be prohibited at all times, and those prohibited activities would be posted at the park entrance. (Exhibit A.3, page 18).</li> <li>(5) All proposed structures except for the information kiosk are proposed to be constructed out of nonflammable materials (Exhibit A.13).</li> </ol> <p>In sum, to the extent there is an increased fire hazard, and associated increased fire suppression costs and risks to fire suppression personnel, resulting from public use of Burlington Creek Forest, that increase is not a “significant increase” in light of the mitigation measures described above. <i>As conditioned, this standard is met.</i></p> <p>It should also be noted that pursuant to MCC 29.003 (B) (2) the applicant is required to provide evidence that a request for structural fire service has been made to the appropriate fire district. Fire services will be provided by contract with the Oregon Department of Forestry (Exhibit A.7).</p> <p style="text-align: center;"><b>MCC 29.003 ADOPTION OF STATE BUILDING CODE BY REFERENCE.</b></p> <p style="text-align: center;">* * *</p> <p><b>(B) Prior to land use review, the applicant shall demonstrate that the proposed Development is in compliance with the most current version of the Oregon Fire Code. Documentation of compliance shall be on forms provided by the Planning Director. Depending on the location of the parcel, the following agency shall review:</b></p> <ol style="list-style-type: none"> <li><b>(1) A property served by a structural fire service provider shall have the proposed development reviewed by the fire official serving it.</b></li> <li><b>(2) For properties located outside of the boundaries of a structural fire service provider, the property owners shall provide to Land Use Planning, evidence that a request</b></li> </ol>
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	<p><i>for structural fire service has been made to the appropriate fire district. If structural fire protection is not available, alternative means of fire protection may be authorized by the applicable building official in accordance with the Oregon Fire Code.</i></p> <p><b>Staff:</b> This standard requires the applicant to demonstrate that the proposed development is in compliance with the most current version of the Oregon Fire Code either through review by a fire official for the structural fire service provider or through a showing that the applicable building official has authorized alternative means of fire protection.</p> <p>Written comments raise concern about the adequacy of fire protection services (Exhibit D.5.a, page 252 – 257; D.5.d, page 252 - 257). The comments raise the concern that the Burlington Creek is not served by a fire district. The Burlington Creek Forest site is not located within a fire district, but it is served by the Oregon Department of Forestry by contract. The applicant requested annexation from both Tualatin Valley Fire and Rescue and Portland Fire and Rescue. Both agencies declined the annexation request. Oregon Department of Forestry is the responsible agency for wild land fire service and review of the proposed development plans by contract (Exhibit A.7). The Oregon Department of Forestry concluded that “the proposed development is in compliance with fire apparatus access standards of the Oregon Fire Code standards as implemented by our agency”; the proposed structure “meets all of our protection requirements”; and “[t]he access road and parking area are adequately sized to accommodate our firefighting apparatus.” (Exhibit A.7). In sum, the Oregon Department of Forestry concluded that the proposed development is in compliance with the most current version of the Oregon Fire Code. Further, the City of Portland Bureau of Development services is the reviewing agency for all structural permits in the West Hills Rural Plan Area. <i>This standard is met.</i></p>
2.08	<p><b>(B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.</b></p> <p><b>Staff:</b> The applicant agrees to record the above referenced statement (page 20 of applicant’s narrative, Exhibit A.3). Condition C.4 requires recording of the above-referenced statement prior to zoning approval of building permits. <i>As conditioned, this standard is met.</i></p>
2.09	<p><b>§ 33.2050 BUILDING HEIGHT REQUIREMENTS</b></p> <p><b>(A) Maximum structure height – 35 feet.</b></p> <p><b>(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.</b></p> <p><b>Staff:</b> This standard requires that structures not exceed 35 feet in height, with a few exceptions that are not relevant to the current application. The applicant has proposed multiple structures in Burlington Creek Forest: a restroom, bridges, information kiosk, and a boardwalk. The proposed restroom building is approximately 11 feet tall, with its vent extending to 15 feet in height (Exhibit A.3.28). The bridge structures will be 4 feet 11 inches in total height as measured at the base of the bridges (Exhibit A.9.1). No bridge will exceed 6 feet as measured from the ground to the bridge deck (Exhibit A.26). Condition C.1 requires the bridges not exceed 35 feet. The 15-foot long</p>

fiberglass boardwalk will include curbs that extend five inches above the deck surface (Exhibit A.18). In sum, all of the structures are under the 35-foot maximum structure height. *As conditioned this standard is met.*

**2.10 § 33.2056 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**

**The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:**

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
***	***	***	***	***
Other Structures	N/A	30	130	Primary & Secondary required

**Forest Practice Setbacks**

**Applicant:**

*“The standard largely regulates forest dwellings. However, “other structures” - which may include the proposed nonflammable vault toilet - are also encouraged to promote fire safe practices, while recognizing the nature and unique location of the use. The property fronts on NW McNamee Road, the only county maintained public road implicated by the standard. The vault toilet and information sign are proposed north of the existing gravel access drive, in the interior of the site, thereby exceeding the 30 foot front setback standard. The side and rear yards from the proposed structures exceed the 130 foot minimum setback standard for adjacent properties east, west, north and south of the site. The closest property line is south of the vault toilet and sign location: Portland General Electric’s small inholding of unimproved land underneath its transmission towers. The PGE property is completely surrounded by Metro property. As demonstrated below, the PGE property is over 130 feet from the proposed vault toilet and sign location.*

**Figure 9 PGE property boundary**



*This standard is met.”*

**Staff:**

The primary purpose of the forest practices setbacks is to minimize potential conflicts between uses in the CFU zone districts, especially any potential conflicts between forestry activities and structures on adjacent properties. *See* MCC 33.0005 (explaining in definition of “Forest Practices Setback” that setbacks “assure” that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure).

Metro is proposing three categories of structures that are subject to the forest practices setbacks: the restroom building, the information kiosk, and the bridges/boardwalk. The proposed restroom building and information kiosk are shown on Exhibit A.3.41 and would be located on property identified as tax lot 1200 (2N1W20BC -01200). The bridges and boardwalk locations are shown in Exhibit A.3.40. Burlington Creek Forest fronts NW McNamee Road, which is a county-maintained road, making the front property line setback 30 feet (Exhibit A.3.46). The front lot line of the subject property along NW McNamee Road is the starting point for measuring the front yard as defined in MCC 33.0005. The proposed restroom building and information kiosk will be located at least 250 feet from the NW McNamee Road right of way, which exceeds the required 30-foot minimum setback. *The front property line setback is met for the restroom building and the information kiosk.*

Tax lot 100 (2N1W20B -00100) (Exhibit B.83) is located over 150 feet northwest of the proposed structures. *The forest practices setback to the northwest is met for the restroom building and the information kiosk.*

The nearest property line to the south is tax lot 1100 (2N1W20BC -01100) at over 145 feet. *The forest practices setback to the south is met for the restroom building the information kiosk.*

The information kiosk is proposed to be 30 feet from an existing unimproved County right of way to the north and the restroom building would be located partially within that same right of way.

However, the applicant has applied for a vacation of the right of way, which will result in the land within the right of way being added to the adjoining properties (to the subject property and to tax lot 800, which are both owned by Metro). Additionally, after the right of way vacation, the information kiosk would be located approximately 90 feet east of tax lot 1000 (2N1W20BC - 01000), which is also owned by Metro.

A tract is defined in County Code as one or more contiguous lot of record in the same ownership. MCC 33.2010. The question is whether the Forest Practices Setback applies to the platted subdivision lines within the tract or to the outer boundaries of the tract as a whole. Staff finds that the Forest Practices setback applies to the tract and therefore the forest practices setbacks are satisfied. The restroom building and the information kiosk are subject to Forest Practices setbacks and are more than 130 feet from any of the Burlington Creek Forest’s external property boundaries (Exhibit A.3.40). Bridges labeled as Bridge 1 and Bridge 2 (Exhibit B.80) are less than 130 feet from the closest tract (Exhibits B.81 and B.82). Bridge 1 is proposed at 60 feet from the nearest tract (Exhibit B.81) and Bridge 2 is proposed at 45 feet from the nearest tract (Exhibit B.82). A variance from the Forest Practices setbacks is required for Bridge 1 and Bridge 2. All other bridges and the boardwalk meet the Forest Practices setbacks.

With respect to the restroom building and the information kiosk, if it were true that the Forest Practices setbacks apply to individually platted subdivision lots within a tract, staff also finds that applicant would meet the criteria for a variance. Findings addressing the variance are in Section 3.00 of this report.

Fire Safety Zones

**Applicant:** *“The proposed bridge crossings are comprised of fiberglass reinforced polymer. Attached as Exhibit 1 [Exhibit A.18.1] are additional site drawings, detailing the bridge composition. Exhibit 1 at Sheet 2. Fiberglass will be used on all crossings constructed. It is our understanding that the forest practices setback does not apply to this structure, as it is not flammable. Conversely, if the forest practices setback were applied to a non-flammable structure, it would conflict with other SEC-h and resource objectives by resulting in the unnecessary removal of vegetation, trees and shrubs in a forested natural area.”* (Exhibit A.18)

**Staff:**

The purpose of the Fire Safety Zones is to provide a fire break between structures and trees and vegetation in order to reduce wildfire risk. As noted above, Metro is proposing three categories of structures on the property – a restroom, an information kiosk, and bridges/boardwalk. The proposed information kiosk, restroom building (a prefabricated vault restroom with a non-flammable, concrete wall and roof structure) seven proposed bridges and a 15-foot long boardwalk structure are subject to the Fire Safety Zone (Exhibit A.18).

The Fire Safety Zone is applicable to the listed structures in the table below.

An Exception to the Secondary Fire Safety Zone for the restroom building and information kiosk is requested by the applicant. The Exception is addressed under Sections 2.25 through 2.32 below.

**2.11 (A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.**

	<p><b>Staff:</b> The applicant has applied for a variance to the Forest Practices setbacks. The variance request is addressed in Section 3.00 of this report.</p>								
<p>2.12</p>	<p><b>(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.</b></p> <p><b>Staff:</b> The applicant is seeking an Exception to the secondary fire safety zone around the restroom building, and the information kiosk structure. As discussed above, only the flammable information kiosk is subject to the Fire Safety Zone. The fire safety zone is not applicable to the non-combustible fiberglass trail bridges, boardwalk and restroom building. The Exception for the information kiosk is addressed under Sections 2.25 through 2.32 below.</p>								
<p>2.13</p>	<p><b>(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.</b></p> <p><b>Staff:</b> The purpose of the standard is to impose additional setback distances from rights of way where appropriate in order to allow for anticipated expansions of right-of-way, therefore minimizing the number of structures that would be rendered nonconforming by reduced setbacks.</p> <p>The NW McNamee Road right of way is currently approximately 60 feet wide. The County Transportation Division does not anticipate the need for any additional right of way along the frontage of the subject property and therefore the street has sufficient right-of-way width to serve the area. Given the 250 foot or more between the proposed structures and the right of way, any expansion of the right of way width would easily be accommodated. <i>No increase to the required 30-foot front setback is warranted under this standard.</i></p>								
<p>2.14</p>	<p><b>(D) Fire Safety Zones on the Subject Tract</b></p> <p><b>(1) Primary Fire Safety Zone</b></p> <p><b>(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.</b></p> <p><b>(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:</b></p> <table border="1" data-bbox="609 1795 1166 1953"> <thead> <tr> <th>Percent Slope</th> <th>Distance In Feet</th> </tr> </thead> <tbody> <tr> <td>Less than 10</td> <td>No additional required</td> </tr> <tr> <td>Less than 20</td> <td>50 additional</td> </tr> <tr> <td>Less than 25</td> <td>75 additional</td> </tr> </tbody> </table>	Percent Slope	Distance In Feet	Less than 10	No additional required	Less than 20	50 additional	Less than 25	75 additional
Percent Slope	Distance In Feet								
Less than 10	No additional required								
Less than 20	50 additional								
Less than 25	75 additional								

Less than 40

100 additional

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

**Staff:** The purpose of the Fire Safety Zones is provide separation between flammable structures and trees and vegetation in order to reduce wildfire risk. A primary fire safety zone must extend 30 feet in all directions around a structure; if lands have a 10 percent or greater slope, the primary fire safety zone must be extended.

		Dist. to prop line North	Dist. to prop line South	Dist. to prop line East	Dist. to prop line West	Slope	FSZ North Ft.	FSZ South Ft.	FSZ East Ft.	FSZ West Ft.
<b>Structure</b>	Restroom Ex. A.3.37	302	149	456	275	10%	80	30	80	30
	Kiosk Ex. A.3.37	286	170	400	300	10%	80	30	80	30
	Boardwalk Ex. A.3.40	500+	450	500+	500+	27%	130	30	30	30
	Bridge 1 Ex. A.3.40	45	500+	500+	240	13%	30	30	105	30
	Bridge 2 Ex. A.3.40	350	500+	500+	425	25%	30	30	130	30
	Bridge 3 Ex. A.3.40	500+	500+	500+	324	11%	30	30	80	30
	Bridge 4 Ex. A.3.40	500+	500+	500+	500+	25%	30	130	130	30
	Bridge 5 Ex. A.3.40	480	500+	380	305	12%	80	30	80	30
	Bridge 6 Ex. A.3.40	450	500+	450	500+	20%	105	30	30	30
	Bridge 7 Ex. A.3.40	279	450	500+	500+	33%	130	30	30	30

Note: Applicant's pg. 489 (of Exhibit A.3.40) mistakenly labels Bridge 7 as Bridge 6. See map on pg. 486 for comparison.

**Staff Continued:** As noted above, there are a few categories of structures proposed: a restroom building, an information kiosk, and stream crossings (bridges/boardwalk).

Regarding the secondary Fire Safety Zone, the applicant correctly indicates that the land under the information kiosk structures will be level. However, adjacent slopes approach 20 % (Exhibit A.3.39) – therefore an additional 50 feet is applied downslope for a total primary fire safety zone of 80 feet. The applicant shows a site plan (Exhibit A.3.38) indicating compliance with an 80 foot fuel break around the restroom building and the information kiosk. Condition C.3 requires the primary and secondary fire safety zones as shown in Exhibit A.3.38 to be established and maintained. *As conditioned, this standard is met.*

2.15

**(2) Secondary Fire Safety Zone**

**A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be**

	<p><b>obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2110.</b></p> <p><b>Staff:</b> The applicant has requested an exception to the secondary fire safety zone – see findings under Sections 2.25 through 2.32 below.</p>
2.16	<p><b>(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and</b></p> <p><b>Staff:</b> The Oregon Department of Forestry has not indicated any restriction or conflict with any forest management plans (Exhibit B.6). <i>This standard is met.</i></p>
2.17	<p><b>(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.</b></p> <p><b>Staff:</b> A tract is “one or more contiguous Lots of Record in the same ownership.” MCC 33.2010. Here, the subject tract consists of 2N1W20B -00100, 2N1W20BC -00800, 2N1W20BC -00900, 2N1W20B -00500, 2N1W20BC -01200, 2N1W20BC -01000, and 2N1W20B -00400 (Exhibit B.79). The applicant has demonstrated that it will comply with the primary fire safety zone standard on land owned by Metro (the subject tract) as demonstrated in Exhibit A.3.39. The applicant has requested an exception to the Secondary Fire Safety Zone, which is addressed in Sections 2.25 through 2.32 of this report. <i>This standard is met.</i></p>
2.18	<p><b>(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).</b></p> <p><b>Staff:</b> The applicant is required to maintain the Primary Fire Safety zone around and the information kiosk as shown in (Exhibit A.3.39). Condition C.3 requires the establishment and ongoing maintenance of the primary fire safety zone. <i>As conditioned, this standard is met.</i></p>
2.19	<p><b>§ 33.2061 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES</b></p> <p><b>All dwellings and structures shall comply with the approval criteria in (B) through (D) below except as provided in (A). All exterior lighting shall comply with MCC 33.0570.</b></p> <p><b>Staff:</b> The restroom building, information kiosk, bridges and boardwalk are structures required to comply with subsections (B) through (D) below. Exterior lighting is addressed under Section 9.00 of this report.</p> <p>Note: MCC 33.2061(A), referenced above, applies to dwellings and buildings accessory to dwellings and therefore is not relevant to this application.</p>
2.20	<p><b>(C) The dwelling or structure shall:</b></p>

	<p><b>(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;</b></p> <p><b>(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;</b></p> <p><b>(3) Have a fire retardant roof; and</b></p> <p><b>(4) Have a spark arrester on each chimney.</b></p> <p><b>Staff:</b> The proposal does not include a mobile home and therefore subsections (1) and (2) are not applicable. The applicant is required through Condition A.2 to obtain building permits for those structures that are subject to building codes and to include a fire retardant roof for the restroom building and the information kiosk. No chimney is proposed as part of any of the structures, and therefore subsection (4) is not applicable. <i>As conditioned, this standard is met.</i></p>
2.21	<p><b>(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.</b></p> <p>* * *</p> <p><b>Staff:</b> No domestic water supply is required or sought. <i>The standard does not apply.</i></p>
2.22	<p><b>§ 33.2073 ACCESS</b></p> <p><b>All lots and parcels in this district shall abut a public street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2075(C).</b></p> <p><b>Staff:</b> This standard only applies to new lots and parcels. The properties comprising Burlington Creek Forest were created many decades ago. See Lot of Record findings in Section 8.00 of this report. <i>This standard does not apply.</i></p>
2.23	<p><b>§ 33.2075 LOT OF RECORD</b></p> <p><b>Staff:</b> See findings in Section 8.00 of this report.</p>
2.24	<p><b>§ 33.2085 OFF-STREET PARKING AND LOADING</b></p> <p><b>Off-street parking and loading permitted as an accessory use shall be provided as required by MCC 33.4100 through 33.4220.</b></p>

	<p><b>Staff:</b> Off-street parking and loading standards are addressed in Section 9.00 of this report.</p>
<p>2.25</p>	<p><b>§ 33.2110 EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES</b></p> <p><b>(A) The secondary fire safety zone for dwellings and structures may be reduced pursuant to the provisions of 33.2110 (B) when:</b></p> <p style="padding-left: 40px;"><b>(1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or</b></p> <p style="padding-left: 40px;"><b>(2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or</b></p> <p style="padding-left: 40px;"><b>(3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.</b></p> <p><b>Staff:</b> The purpose of the standards under MCC 33.2110 is to provide alternative requirements to reduce the otherwise required Secondary Fire Safety Zone. The standards under MCC 33.2110 provide a level of fire safety that approximates that of providing the full extent of the Secondary Fire Safety Zone.</p> <p>The applicant is requesting to reduce the Secondary Fire Safety Zone from 130 feet to 0 feet in support of the habitat and recreational value of the site. The request for a reduction currently qualifies under subsection (A)(2), which allows for a reduction where the “structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties,” because the proposed structure subject to this standard is the information kiosk (shown on map on Exhibit A.3.41) – which is located within 130 feet of the centerline of a public road (unnamed right of way immediately adjacent to the information kiosk – Exhibit A.3.43). It should be noted however, that the right of way internal to the site will eventually be vacated. The purpose of subsection (A)(2) is the recognition that right-of-way, because it is typically associated with the clearing of vegetation, provides a similar level of fire safety as is found in the secondary fire safety zone. Even though the right-of-way itself will be removed, the access drive improvements and new parking area will provide a better fire break than the existing right of way does currently because it will be widened compared to existing width and will provide a greater separation from vegetation across the parking area. <i>This standard is met.</i></p>
<p>2.26</p>	<p><b>(B) Exceptions to secondary fire safety zones shall only be granted upon satisfaction of the following standards:</b></p> <p style="padding-left: 40px;"><b>(1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban– Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or</b></p>

	<p><b>(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and</b></p> <p><b>Staff:</b> The applicant has requested a secondary fire safety zone of 0 feet for the structures listed in the table in Section 2.14 above, which requires compliance with (2) above. The applicant has addressed compliance with subsection (2) in Exhibit A.3.5 (see page 24 – 26 of applicant’s narrative). Condition C.2 requires compliance with (2) as part of the building permit review. <i>As conditioned, this standard is met.</i></p>
2.27	<p><b>(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and</b></p> <p><b>Staff:</b> The applicant has not proposed any combustible fences as part of the project. <i>The standard is met.</i></p>
2.28	<p><b>(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 33.2110 (B) (1) are utilized, or</b></p> <p><b>Staff:</b> This standard applies to dwellings, and the applicant is not proposing a dwelling. <i>This standard is not applicable.</i></p>
2.29	<p><b>(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 33.2110 (B) (2) are utilized.</b></p> <p><b>Staff:</b> This standard applies to dwellings, and applicant is not proposing a dwelling. <i>This standard is not applicable.</i></p>
2.30	<p><b>(6) All accessory structures within the fire safety zone setbacks required by MCC 33.2056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.</b></p> <p><b>Staff:</b> The purpose of the standard is to improve response time to structures typically accessory to the residential use of property in the CFU-1 zone, such as those structures listed in MCC 33.2020(T) (Accessory Structures), which lists structures such as garages, workshops, and storage sheds. Although the term “accessory structure” is not defined, an “accessory building” is “[a] subordinate building, the use of which is clearly incidental to that of the main building on the same lot” and an “accessory use” is “[a] lawful use that is customarily subordinate and incidental to a primary use on the lot.” Based on those definitions, an “accessory structure” is a structure that is incidental to another main or primary structure on the lot. Here, the proposed restroom building, information kiosk, bridges/boardwalk, are associated with the proposed Conditional Use / Community Service permit, which does not have a “main” or “primary” building or structure. As such, structures are ‘other structures’ as that term is used in MCC 33.2056 as opposed to Accessory Structures, which are associated with dwellings or other main buildings. <i>The structures are not ‘accessory structures’; therefore the standard does not apply.</i></p>
2.31	<p><b>(7) All accessory structures within 50 feet of a building shall have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy</b></p>

	<p><b>timber, log wall construction or constructed with noncombustible materials on the exterior side.</b></p> <p><b>Staff:</b> The standard is intended to apply to new buildings that would be accessory to another building, typically a dwelling. For example, a new detached garage (accessory to a dwelling) would be required to have its exterior walls constructed to this standard. As explained in Section 2.30, the proposed information kiosk in Burlington Creek Forest is not considered an “accessory structure” for purposes of the Fire Safety Zone Exception criteria. In addition, the only structure in the Burlington Creek Forest that would be located within 50 feet of a building is the information kiosk (within 50 feet of the restroom building). Because the information kiosk is neither a building (and therefore does not have exterior walls), nor is it accessory to the restroom building, <i>the standard does not apply.</i></p>
2.32	<p><b>(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban– Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or under-floor protection in accordance with Section 504.6 of that same publication.</b></p> <p><b>Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.</b></p> <p><b>Staff:</b> As explained in Section 2.30, the structures proposed in Burlington Creek Forest are not considered accessory structures for purposes of applying the Exception standards. In addition, the proposed information kiosk will be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent. <i>The standard does not apply.</i></p>

**Commercial Forest Use – 2 (CFU-2) Zone:**

2.33	<p><b>Staff Note:</b> Only one property (2N1W19D -00800) in Burlington Creek Forest is located in the CFU-2 base zone; however, no trails or development are proposed on that property. Therefore, it is not necessary to apply any of the development criteria in the CFU-2 zone to the Burlington Creek Forest development application (T3-2017-9165).</p> <p>However, the applicant’s application for a Comprehensive Plan amendment to designate four forest units as a local public park covers subject properties located in the CFU-2 zone:</p> <ul style="list-style-type: none"> <li>• Two properties (2N1W31D -00200 and 2N1W31D -00300) in the McCarthy Creek unit are within the CFU-2 base zone. Trail use and related infrastructure are proposed in future phases though none is currently indicated in the CFU-2 portion of McCarthy Creek. Future development phases for recreational trails on the McCarthy Creek Forest units will be subject to later development permits prior to any development on that site.</li> <li>• Four properties (1N1W05B -00900, 1N1W05C -00100, 1N1W05C -00200, and 1N1W05C -00300) in the North Abbey Creek unit are within the CFU-2 base zone. No development or trails are proposed at this location. North Abbey Creek is proposed to remain a natural area.</li> </ul>
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	<ul style="list-style-type: none"> <li>• There are no properties in the Ennis Creek unit within the CFU-2 zone.</li> </ul> <p>To determine whether a local park designation is appropriate on the subject properties located in the CFU-2 zone, it is necessary for staff to determine whether local parks are a permissible use in the CFU-2. Because the Comprehensive Plan amendment does not approve development on the subject properties, however, staff need not apply any of the development criteria in the CFU-2 to the Comprehensive Plan amendment application. The findings below only address the proposal for park designation as it relates to CFU-2 zone.</p>
2.34	<p><b>§ 33.2200- PURPOSES</b></p> <p><b>The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.</b></p> <p><b>One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger “Lots of Record” those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all “tract” grouping requirements of state statute and rule.</b></p> <p><b>§ 33.2205 AREA AFFECTED</b></p> <p><b>MCC 33.2200 through 33.2310 shall apply to those lands designated CFU- 2 on the Multnomah County Zoning Map.</b></p> <p><b>Staff:</b> The area proposed to be designated as a local public park in the Comprehensive Plan amendment includes properties located within the CFU-2 zone within the West Hills Rural Plan Area. In particular:</p> <ul style="list-style-type: none"> <li>• Two properties (2N1W31D -00200 and 2N1W31D -00300) in the McCarthy Creek unit are within the CFU-2 base zone.</li> <li>• Four properties (1N1W05B -00900, 1N1W05C -00100, 1N1W05C -00200, and 1N1W05C -00300) in the North Abbey Creek unit are within the CFU-2 base zone.</li> <li>• One property (2N1W19D -00800) in the Burlington Creek Forest unit is within the CFU-2 zone.</li> </ul>
2.35	<p><b>§ 33.2215 USES</b></p> <p><b>No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2220 through 33.2240 when found to comply with MCC 33.2245 through 33.2310.</b></p>

**Staff:** The proposal is for a local public park designation in the CFU-2 zone. A local park is a conditional use listed in MCC 33.2230. Because no development is proposed as part of the Comprehensive Plan amendment, it is not necessary to determine whether the use complies with MCC 33.2245 through 33.2310 – that analysis would be undertaken at the time of any proposed development. *This standard is met.*

2.36

**§ 33.2230 CONDITIONAL USES**

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

**(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2261, 33.6000 through 33.6010, and 33.6100 through 33.6230:**

\* \* \*

**(9) State and Local Parks.**

\* \* \*

**(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].**

**Staff:**

Comprehensive Plan Amendment

Metro is proposing to amend the County Comprehensive Plan to designate all of the CFU-2 parcels included in its North Tualatin Mountains Master Plan as part of a ‘Local Park.’ The County therefore must determine whether a local public park is a permissible use in the CFU-2 zone before approving the local public park designation on those properties.

A “local park” is a permitted conditional use in the CFU-2 zone. As relevant here, a “local park” is defined as “[1] a public area intended for open space and outdoor recreation use that is [2] owned and managed by a \* \* \* regional government \* \* \* and [3] that is designated as a public park in the applicable comprehensive plan and zoning ordinance.” That definition mirrors the definition provided in state administrative rule (OAR 660-034-0010(8)).

Here, the North Tualatin Mountains Nature Park, as described in the Master Plan, is a public area intended for open space and outdoor recreation use. (*See, e.g.*, Exhibit A.4 at page 7-8). In addition, the area is owned and managed by Metro, which is a regional government that owns and manages many parks and natural areas around the region. (Exhibit A.4 at page 58-59). Finally, if this Comprehensive Plan amendment is approved, the Nature Park will be designated as a public park in the County’s Comprehensive Plan. Because the North Tualatin Mountains Nature Park will meet

	<p>the definition of a “local park” upon approval of this Comprehensive Plan amendment, and a “local park” is a permissible use in the CFU-2 zone, the County can designate the CFU-2 properties in the Nature Park as a local public park.</p> <p><u>Burlington Creek Forest Development</u></p> <p>If the Comprehensive Plan amendment is approved, and Burlington Creek Forest is designated as part of a local public park in the Plan, then the next issue is whether the development proposal complies with the requirement in this section that uses in a local park be limited to those specified in OAR 660-034-0040.</p> <p>As confirmed in findings in Section 13.00 of this report, all of the uses proposed in the Burlington Creek Forest development application are uses allowed in a local park, as listed in OAR 660-034-0040. Therefore, those uses are permissible in the CFU-2 zone, subject to the Conditional and Community Service standards, which are addressed in Section 10.00 of this report.</p>
<p><b>2.37</b></p>	<p><b>§ 33.2245 USE COMPATIBILITY STANDARDS</b></p> <p><b>Specified uses of MCC 33.2025 (D) and (E) and MCC 33.2030 (A), (B) and (C) may be allowed upon a finding that:</b></p> <p><b>Specified uses of MCC 33.2225 (D) and (E) and MCC 33.2230 (A), (B), and (C) may be allowed upon a finding that:</b></p> <p><b>(A) The use will:</b></p> <p style="padding-left: 40px;"><b>(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;</b></p> <p><b>Staff:</b> The local public park designation in the Comprehensive Plan amendment does not authorize any use or development on any of the subject properties and this standard therefore is not applicable to the Comprehensive Plan amendment application.</p> <p>In the Burlington Creek Forest development application, the applicant is seeking to establish the uses identified in MCC 33.2230(A)(9), which provides that uses in a local park may include, among other things, recreational trails, day use areas, bridges and walkways, restrooms, and parking areas. <i>See</i> OAR 660-034-0040(4). Therefore, this standard is applicable to the Burlington Creek Forest development application.</p> <p>The purpose of the standard is to ensure that the proposed use, in this case a ‘local park’ including recreational trails, day use areas, bridges, restrooms, and parking areas, will not significantly increase the cost of forestry and farming on the surrounding forest or agricultural lands.</p> <p>One property (2N1W19D -00800) in the Burlington Creek Forest is located in the CFU-2 base zone; however, none of the uses allowed in a local park under MCC 33.2230(A)(9) – trails, day use areas, bridges, restrooms, and parking areas – are proposed on the CFU-2 zoned property and therefore the use will not force a significant change in or significantly increase the cost of any accepted farming or forestry practices on surrounding lands. <i>The standard is met.</i></p>

2.38	<p><b>(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and</b></p> <p><b>Staff:</b> As indicated in Section 2.37, the Burlington Creek Forest development application does not propose any trails, structures, or other development in the CFU-2 zone, and therefore the use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel.</p> <p>Further, Metro indicates that it follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions and that if very high fire conditions are present, Metro would prevent certain activities and may temporarily close areas. In this effort, Metro will work with local fire prevention and suppression agencies. In addition, camping, fires, smoking, fireworks, and discharging firearms are prohibited at all times, and signs will be posted with that information (page 18 of applicant’s narrative, Exhibit A.3.5). <i>This standard is met.</i></p>
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**Exclusive Farm Use (EFU) Zone:**

2.39	<p><b>Staff Note:</b> The findings below only address the proposal in the Comprehensive Plan amendment for a local public park designation as it relates to properties located in the EFU zone. There are only two properties in the North Tualatin Mountains Nature Park that are within the EFU zone, and both are located in the North Abby Creek unit (1N1W05C -00400 and 1N1W08B -00100). None of the other forest units have any lands within the EFU zone.</p> <p>To determine whether a local park designation is appropriate on the subject properties located in the EFU zone, it is necessary for staff to determine whether local parks are a permissible use in the EFU. Because the Comprehensive Plan amendment does not approve development on the subject properties, however, staff need not apply any of the development criteria in the EFU to the Comprehensive Plan amendment application.</p>
2.40	<p><b>EXCLUSIVE FARM USE – EFU</b></p> <p><b>§ 33.2600- PURPOSE</b></p> <p><b>The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wild-life resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as pro-vided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.</b></p> <p><b>One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger “Lots of Record” those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all “tract” grouping requirements of state statute and rule.</b></p> <p><b>§ 33.2605 AREA AFFECTED</b></p> <p><b>MCC 33.2600 through 33.2690 shall apply to those areas designated EFU on the Multnomah County Zoning Map.</b></p>

	<p><b>Staff:</b> Metro is proposing a local public park designation for land comprising the North Abby Creek unit, which includes two properties located in the EFU zone. No development or recreational uses are proposed in the EFU zone. The findings below relate to the park designation only. The preservation and enhancement of natural resources on the EFU properties is commensurate with the listed purposes in the EFU zone.</p>
<p>2.41</p>	<p><b>§ 33.2615 USES</b></p> <p><b>No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2620 through 33.2630 when found to comply with MCC 33.2660 through 33.2690.</b></p> <p><b>Staff:</b> The Comprehensive Plan amendment proposes a local public park designation in the EFU zone. Public Parks are a conditional use listed in MCC 33.2630(C). The standards in MCC 33.2660 through 33.2690 are not applicable because no development, property line adjustments, or access improvements are proposed. <i>This standard is met.</i></p>
<p>2.42</p>	<p><b>§ 33.2630 Conditional Uses</b></p> <p><b>The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 33.6300 to 33.6335:</b></p> <p>***</p> <p><b>(C) Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120 and MCC 33.2640.</b></p> <p><b>Staff:</b> Metro is proposing to amend the County Comprehensive Plan to designate all of the EFU parcels included in its North Tualatin Mountains Master Plan as part of a local public park. The County therefore must determine whether a local public park is a permissible use in the EFU zone before approving the local public park designation on those properties.</p> <p>A “public park,” as provided in ORS 195.120 and MCC 33.2640, is a conditional use in the EFU zone. ORS 195.120 gives the Land Conservation and Development Commission (“LCDC”) authority to adopt rules to provide for allowable uses in “local parks.” The rules implementing ORS 195.120 are OAR 660-034-0000 to 660-034-0040, discussed more fully in Section 13.00. In those rules, a “local park” is defined as “[1] a public area intended for open space and outdoor recreation use that is [2] owned and managed by a * * * regional government * * * and [3] that is designated as a public park in the applicable comprehensive plan and zoning ordinance.”</p> <p>Here, the North Tualatin Mountains Nature Park, as described in the Master Plan, is a public area intended for open space and outdoor recreation use. (<i>See, e.g.,</i> Exhibit A.4 at page 7-8). In addition, the area is owned and managed by Metro, which is a regional government that owns and manages many parks and natural areas around the region. (Exhibit A.4 at page 58-59). Finally, if this Comprehensive Plan amendment is approved, the Nature Park will be designated as a public park in the County’s Comprehensive Plan. Because the North Tualatin Mountains Nature Park will meet the definition of a “local park” upon approval of this Comprehensive Plan amendment, and a “local park” is a type of “public park” that can be established under ORS 195.120 and the rules implementing it, the local public park designation that Metro has proposed is a permissible use in</p>

	<p>the EFU zone. Therefore, the County can designate the EFU properties in the Nature Park as a local public park.</p> <p>MCC 33.2640, Limitations to the Design Capacity of Structures, is not applicable to the park designation in the EFU zone because no development is proposed. <i>This standard is met.</i></p>
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**Multiple Use Agriculture - 20 (MUA-20) Zone:**

<p><b>2.43</b></p>	<p><b>Staff Note:</b> Approximately 5 acres of the Burlington Creek Forest is located within the MUA-20 zone:</p> <ul style="list-style-type: none"> <li>• One property (2N1W20 -00300) is a 2.83 sliver of land located between Highway 30 and the railroad.</li> <li>• The remaining 2 acres of in the MUA-20 zone are located adjacent to the above referenced lot on an approximately 140 acre property (2N1W20 -00400); the remaining 138 acres of that property are located in the CFU-1 zone.</li> </ul> <p>No trails or development are proposed within the MUA-20 zone. Therefore, it is not necessary to apply any of the development criteria in the MUA-20 zone to the Burlington Creek Forest development application (T3-2017-9165).</p> <p>None of the other forest units have any lands within the MUA-20 zone.</p> <p>However, because the applicant’s application for a Comprehensive Plan amendment to designate four forest units as a local public park covers those properties in Burlington Creek Forest located in the MUA-20 zone, it is necessary for staff to determine whether local parks are a permissible use in the MUA-20. Because the Comprehensive Plan amendment does not approve development on the subject properties, however, staff need not apply any of the development criteria in the MUA-20 to the Comprehensive Plan amendment application. The findings below only address the proposal for park designation as it relates to MUA-20 zone.</p>
<p><b>2.44</b></p>	<p><b>§ 33.2800- PURPOSE</b></p> <p><b>The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.</b></p> <p><b>§ 33.2805 AREA AFFECTED</b></p> <p><b>MCC 33.2800 to 33.2885 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.</b></p> <p><b>§ 33.2815 USES</b></p>

	<p><b>No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2820 through 33.2830 when found to comply with MCC 33.2855 through 33.2885.</b></p> <p><b>Staff:</b> Metro has proposed the local public park designation over the five acres of MUA-20 zoned land in the Burlington Creek Forest unit. MCC 33.2830(A) allows Community Service Uses as Conditional Uses in the MUA-20 zone. A park is a Community Service Use listed under MCC 33.6015(A)(10). The standards in MCC 33.2855 through 33.2885 do not apply because no development is proposed in the MUA-20 zoned portion of Burlington Creek Forest – those standards would be applied at the time of any proposed development. <i>This standard is met.</i></p>
2.45	<p><b>§ 33.2830      CONDITIONAL USES</b></p> <p><b>The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:</b></p> <p><b>(A) Community Service Uses pursuant to the provisions of MCC 33.6000 through 33.6230;</b></p> <p><b>Staff:</b> Park is a listed Community Service use in MCC 33.6015. As noted, because no development is proposed as part of the Comprehensive Plan amendment, it is not necessary to apply the standards in MCC 33.6000 through 33.6230 – those would be applied to an application seeking development in the MUA-20. Because a park is a permissible use in the MUA-20 zone, the County can amend its Comprehensive Plan to make a local public park designation on the subject properties located in the MUA-20 zone. <i>This standard is met.</i></p>
2.46	<p><b>§ 33.6015 USES (A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority. Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.</b></p> <p>***</p> <p><b>(10) Park, playground, sports area, golf course or recreational use of a similar nature.</b></p> <p><b>Staff:</b> Park is a listed Community Service Use that may be permitted as a conditional use in the MUA-20 zone. Because a park is a permissible use in the MUA-20 zone, the County can amend its Comprehensive Plan to make a local public park designation on the subject properties located in the MUA-20 zone. <i>This standard is met.</i></p>

**Rural Residential (RR) Zone:**

2.47	<p><b>Staff Note:</b></p> <p>Approximately 5 acres of the Ennis Creek Forest are located within the RR zone:</p> <ul style="list-style-type: none"> <li>• One property (2N1W28CA -01701) is a 0.2 acre property fronting NW Riverview Drive.</li> </ul>
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	<ul style="list-style-type: none"> <li>The remaining 4.8 acres of the RR zone are located adjacent to the above referenced lot on an 18.4 acre property (2N1W28C -00500); the remaining 13.6 acres of that property are located in the CFU-1 zone.</li> </ul> <p>None of the other forest units have any lands within the RR zone. No trails or development are proposed within the RR zone. Therefore, it is not necessary to apply any of the development criteria in the RR zone to the Comprehensive Plan amendment application.</p> <p>However, because the applicant’s application for a Comprehensive Plan amendment to designate four forest units as a local public park covers properties located in the RR zone, it is necessary for staff to determine whether local parks are a permissible use in the RR.</p>
2.48	<p><b>§ 33.3100- PURPOSE</b></p> <p><b>The purposes of the Rural Residential District are to provide areas for residential use for those per-sons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.</b></p> <p><b>§ 33.3105 AREA AFFECTED</b></p> <p><b>MCC 33.3100 through 33.3185 shall apply to those lands designed RR on the Multnomah County Zoning Map.</b></p> <p><b>§ 33.3115 USES</b></p> <p><b>No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3120 through 33.3130 when found to comply with MCC 33.3155 through 33.3185.</b></p> <p><b>Staff:</b> Metro has proposed the local public park designation over the four acres of RR zoned land in the Ennis Creek Forest unit. MCC 33.3130(A) lists Community Service Uses as Conditional Uses in the RR zone. A park is a Community Service Use listed under MCC 33.6015(A)(10). The standards in MCC 33.3155 through 33.3185 do not apply because no development is proposed in the RR zoned portion of Ennis Creek Forest. <i>This standard is met.</i></p>
2.49	<p><b>§ 33.3130 CONDITIONAL USES</b></p> <p><b>The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:</b></p> <p><b>(A) Community Service Uses under the provisions of MCC 33.6000 through 33.6230;</b></p> <p><b>Staff:</b> Park is a listed Community Service use in MCC 33.6015. As noted, because no development is proposed as part of the Comprehensive Plan amendment, it is not necessary to apply the standards in MCC 33.6000 through 33.6230 – those would be applied to an application seeking</p>

	development in the RR. Because a park is a permissible use in the RR zone, the County can amend its Comprehensive Plan to make a local public park designation on the subject properties located in the RR zone. <i>This standard is met.</i>
<b>2.50</b>	<p><b>§ 33.6015 USES (A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority. Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.</b></p> <p>***</p> <p><b>(10) Park, playground, sports area, golf course or recreational use of a similar nature.</b></p> <p><b>Staff:</b> Park is a listed Community Service Use that may be permitted in the RR zone. Because a park is a permissible use in the RR zone, the County can amend its Comprehensive Plan to make a local public park designation on the subject properties located in the RR zone. <i>This standard is met.</i></p>

### 3.00 Adjustments and Variances – Burlington Creek Forest

<b>3.01</b>	<p><b>Introduction – Variance to Forest Practices Setback</b></p> <p><b>Staff:</b> As part of its development application for Burlington Creek Forest, the applicant seeks a variance from the CFU-1 Forest Practices Setback in MCC 33.2056, which is discussed in Section 2.10 of this staff report. A Forest Practices Setback provides for separation between structures and property lines to ensure that accepted forestry practices can occur on adjacent properties. <i>See</i> MCC 33.0005 (defining “Forest Practices Setback”). A variance allows the area of separation between a structure and the property line to be reduced, meaning, the structure can be located closer to the property line than otherwise allowed.</p> <p>As relevant here, MCC 33.2056 provides that structures like those proposed by the applicant in Burlington Creek Forest – a restroom, signs, bridges, and a boardwalk, must be located at least 30 feet from a front property line adjacent to a county-maintained road and at least 130 from all other property lines, as shown in the following table from MCC 33.2056:</p> <table border="1"> <thead> <tr> <th>Use:</th> <th colspan="3">Forest Practice Setbacks:</th> <th>Fire Safety Zones:</th> </tr> <tr> <td></td> <td>Nonconforming Setbacks</td> <td>Front Property Line Adjacent to County Maintained Road (feet)</td> <td>All other Setbacks (feet)</td> <td></td> </tr> </thead> <tbody> <tr> <td><i>Other Structures</i></td> <td><i>N/A</i></td> <td><i>30</i></td> <td><i>130</i></td> <td>Primary &amp; Secondary required</td> </tr> </tbody> </table> <p>The applicant has argued that no variance is required because all of the property lines that are within 130 feet of a proposed structure are internal to a larger tract owned by Metro. In Exhibit A.11.3, the applicant explains:</p>	Use:	Forest Practice Setbacks:			Fire Safety Zones:		Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All other Setbacks (feet)		<i>Other Structures</i>	<i>N/A</i>	<i>30</i>	<i>130</i>	Primary & Secondary required
Use:	Forest Practice Setbacks:			Fire Safety Zones:												
	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All other Setbacks (feet)													
<i>Other Structures</i>	<i>N/A</i>	<i>30</i>	<i>130</i>	Primary & Secondary required												

*“The [Forest Practices Setback] standard largely regulates forest dwellings. However, ‘other structures’ are also encouraged to be compatible for forest practices, while recognizing the nature and unique location of the use.*

*Applicant owns all of the implicated small lots of record. Being in contiguous ownership, they are considered a tract. If one were to consider the subject small lots of record aggregated as a condition for land use approvals as the County CFU aggregation policy dictates, the side and rear yards from the proposed structures would exceed the 130 foot minimum setback standard for adjacent properties east, west, north and south of the site. Exhibit 3 [Exhibit A.11.6].*

*The closest non-Metro owned property line is south of the vault toilet and sign location: Portland General Electric’s small inholding of unimproved land underneath its transmission towers. The PGE property is completely surrounded by Metro property. See Exhibit 2 - Block 23, Lot 6 [Exhibit A.11.5]. As demonstrated below, the PGE property is over 130 feet from the proposed vault toilet and sign location.*

*Based on the County’s lot aggregation policy, applicant respectfully requests that the County conclude that the Forest Practices Act setbacks area satisfied.*

A tract is defined in County Code as one or more contiguous lot of record in the same ownership. MCC 33.2010. The question is whether the Forest Practices Setback applies to the platted subdivision lines within the tract or to the outer boundaries of the tract as a whole. Staff finds that the Forest Practices setback applies to the tract and therefore the forest practices setbacks are satisfied. The restroom building and the information kiosk are subject to Forest Practices setbacks and are more than 130 feet from any of the Burlington Creek Forest’s external property boundaries (Exhibit A.3.40). Bridges labeled as Bridge 1 and Bridge 2 (Exhibit B.80) are also subject to Forest Practices Setbacks and will be located less than 130 feet from the closest tract (Exhibits B.81 and B.82). Bridge 1 is proposed at 60 feet from the nearest tract boundary (Exhibit B.81) and Bridge 2 is proposed at 45 feet from the nearest tract boundary (Exhibit B.82). A variance from the Forest Practices setbacks is required for Bridge 1 and Bridge 2. Even without the forest practices setback, all structures must maintain the fire safety zone. Condition C.3 requires a final site plan showing these structures meeting the 30 foot requirement from the right of way.

With respect to the restroom building, the information kiosk, bridges and boardwalk, if it were true that the Forest Practices setbacks apply to individually platted subdivision lots within a tract, staff also finds that applicant would meet the criteria for a variance as demonstrated in Sections 3.02 through 3.20 below. The applicant has explained that the need for the variances arises from the historical platting of the Burlington Creek Forest:

**Applicant:**

*“The Burlington forest was platted for residential subdivision development in 1909. Exhibit 1 [Exhibit A.11.4]. As was common at the time, the plat was done without consideration of topographical, riparian, and other geographical site limitations. As a result, only a very small portion of the platted property, specifically that east of the railroad line and adjacent to Highway 30, have developed to support residential uses. The remainder of the platted property, west of the railroad line, remained in commercial forest production. Today, all but two of the historically platted lots in Burlington Forest are owned by Metro.*

*Metro proposes visitor access improvements that include “structures” by definition. Structures are required to meet the forest practices setback of the CFU zone. Those setback standards were*

*adopted in 1990 and are being applied to lots created in 1909. Setbacks are measured from the lot of record legal lot lines. Given the small size of the historically platted lots (generally 60 feet x 100 feet in the subject area), applicant cannot meet the 130 forest practices setback standard. The proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots. Exhibit 2 [Exhibit A.11.5]. As such, applicant respectfully requests a variance from the setback standard as permitted by the CFU zoning and Chapter 33.”*

**Staff:**

Metro has included a request for a variance to Forest Practices Setbacks from structures to lot lines internal to the Burlington Creek Forest site (Exhibit A.11) to be considered as part of the request for development associated with recreational trails in the Burlington Creek Forest unit. The structures include the proposed restroom building, information kiosk, and bridges 1 and 2.

...

**Applicant:**

*In the alternative, if one does not consider the subject small lots of record aggregated, then applicant cannot meet the 130 foot Forest Practices Act setback given the small size of the historically platted lots (generally 60 feet x 100 feet in the subject area). In other words, the proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots. As such, applicant respectfully and alternatively requests a variance from the setback standard as permitted by the CFU zoning and Chapter 33.*

*(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.*

*Finding: If necessary, applicant respectfully requests a variance from the setback standard as permitted by the CFU zoning and Chapter 33. Applicant demonstrates compliance with the applicable variance standards below.”*

**Staff:** The question is whether the Forest Practices setback applies to the platted subdivision lines within the tract or to the tract (common ownership) itself. Staff believes that the Forest Practices setback applies to the tract and therefore the forest practices setbacks are satisfied for the restroom building and information kiosk, but not for bridges 1 and 2. Burlington Creek Forest’s external property boundaries are shown in Exhibit A.3.40. If it were true that the Forest Practices setbacks apply to individually platted subdivision lots within a tract, staff also finds that the applicant would meet the criteria for a variance as demonstrated in Sections 3.02 through 3.20 below.

**3.02**

**ADJUSTMENTS AND VARIANCES**

**§ 33.7601 PURPOSE**

**(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.**

**(B) To address those situations, modification of the dimensional standards given in MCC 33.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 33.7611, Adjustments, or 33.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.**

**(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.**

**(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.**

**All proposed modification of the dimensional standards given in MCC 33.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.**

**Applicant:**

*“Applicant’s request for a variance is consistent with the variance policy. Applicant is seeking relief from a strict interpretation of the 130 foot Forest Practices Act setback. As demonstrated below, applicant’s request is a justifiable departure from the setback standard. The intent of the Forest Practices Act setback standard is to locate structures away from property owned by another to protect and reduce impacts to adjoining forest practices. Here, there are no adjoining forest practices conducted by another owner that are implicated by or within the setback. Literal application of the 130 foot setback would prevent any structure from being developed on the property, resulting in excessive difficulties and unnecessary hardship on Metro and the public.”*

**Staff:** The applicant is correct. Commercial Forest Use lands are typically large lots and the CFU-1 zone requires an 80 acre minimum for new parcels. The lots that make up the Burlington Creek Forest Unit are subdivision lots that were platted decades prior to the establishment of countywide zoning. The Forest Practices Setbacks are meant to separate structures from neighboring properties under different ownership. In this case, Metro owns all the land in the Burlington Creek Forest and will likely to continue to for many years into the future.

**3.03**

**§ 33.7606 SCOPE**

**(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front**

	<p><b>lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:</b></p> <p><b>(1) Reduction of resource protection setback requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts are prohibited. Additionally, reductions to the fire safety zones in the Commercial Forest Use zones are not allowed under the Adjustment process; and</b></p> <p><b>(2) Reduction of yards and setback requirements within the Hillside Development overlay shall only be reviewed as a Variance; and</b></p> <p><b>(3) Reduction of yards/setback/buffer/re-source protection setback requirements within the Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and</b></p> <p><b>(4) Minor modification of yards and setbacks in the off-street parking and design review standards are allowed only through the “exception” provisions in each respective Code section.</b></p> <p><b>Staff:</b> The request is for a modification greater than 40% of the standard. The request does not qualify for an adjustment. The applicant has requested a variance instead.</p>
3.04	<p><b>(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, building height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:</b></p> <p><b>Staff:</b> The applicant is requesting a variance from the Forest Practices setbacks of MCC 33.2056. A variance to the Forest Practices setback is allowed under this standard. <i>This standard is met.</i></p>
3.05	<p><b>(1) Reduction of resource protection setback requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts; and</b></p> <p><b>Staff:</b> The application does not include a request to reduce setbacks required by the SEC or WRG overlays. <i>This standard is not applicable.</i></p>
3.06	<p><b>(2) Modification of fire safety zone standards given in Commercial Forest Use districts; and</b></p> <p><b>Staff:</b> The applicant is not seeking a variance from any applicable fire safety zones. <i>This standard is not applicable.</i></p>
3.07	<p><b>(3) Increase to any billboard height or any other dimensional sign standard.</b></p>

	<p><b>Staff:</b> The applicant is not seeking a variance for sign dimensions.</p>
<p><b>3.08</b></p>	<p><b>(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Zoning District.</b></p> <p><b>Staff:</b> The applicant is requesting a variance of the Forest Practices setback as permitted by MCC 33.7606(B) and MCC 33.2056(A). <i>The standard is met.</i></p>
<p><b>3.09</b></p>	<p><b>§ 33.7616 VARIANCE APPROVAL CRITERIA</b></p> <p><b>The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (F) are met:</b></p> <p><b>Staff:</b> The applicant has demonstrated that (A) through (F) are met. See sections 3.10 through 3.20 below. <i>The standard is met.</i></p>
<p><b>3.10</b></p>	<p><b>(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:</b></p> <p><b>(1) The size, shape, natural features and topography of the property, or</b></p> <p><b>Applicant:</b> <i>“Applicant directed development in a manner that utilizes existing grades, avoids sensitive areas, and utilizes an existing access drive and cleared areas associated with the road, all of which are required by habitat protection, resource conservation, and design and siting standards. Here, site distance, topographical constraints, and existing conditions dictated where the access drive is proposed. With the access drive location determined, applicant was next tasked with locating desired visitor access improvements around existing constraints and in a manner that minimizes disturbance to the site, natural resources and protected views, while providing safe and convenient access for the general public.</i></p> <p><i>The Burlington forest was platted for residential subdivision development in 1909. Exhibit 1 [Exhibit A.3.17].</i></p> <p><i>Metro proposes visitor access improvements that include “structures” by definition. Structures are required to meet the forest practices setback of the CFU zone. Setbacks are measured from the legal lot of record lines. Here, the structures are proposed on Block 23, Lot 11. Given the small size of the historically platted lots (generally 60 feet x 100 feet in the subject area), applicant cannot locate structures in any location that would comply with the Act’s 130 foot setback standard. Exhibit 2 [Exhibit A.3.18 ] (also Figure 2).”</i></p>

	<p><b>Staff:</b> Staff concurs with the applicant’s findings. The Burlington subdivision was platted similar to other urban residential subdivisions at the time which is not a typical or efficient property configuration arrangement in the context of rural commercial forest use zoning. <i>The standard is met.</i></p>
<p><b>3.11</b></p>	<p><b>(2) The location or size of existing physical improvements on the site, or</b></p> <p><b>Applicant:</b></p> <p><i>“The only physical improvement on the property is a forest practices access road. Applicant directed development in a manner that utilizes existing grades, an existing access drive and forest practices road, and cleared areas associated with the road. With the access drive location determined, applicant was next tasked with locating desired visitor access improvements around existing constraints and in a manner that minimizes disturbance to the site, natural resources and protected views, while providing safe and convenient access for the general public. That, along with the need to satisfy SEC-h and other protective and design standards, dictated that the structures be located in existing cleared areas to the extent practicable. Given the small size of the historically platted lots (generally 60 feet x 100 feet in the subject area), applicant cannot locate structures in any location that would comply with the Forest Practices Act 130 foot setback standard. Exhibit 2 [Exhibit A.3.18]. This standard is met.”</i></p> <p><b>Staff:</b> Existing physical improvements on the site is a factor for the proposed restroom and information kiosk structures because their location necessarily needs to be clustered with the parking and trailhead site, which in turn, will be located in a relatively level, wider spot on the existing logging road near the McNamee Road access – this location appears to be the most logical place for parking/trailhead related structures. Further, the stream crossings are typically located where terrain is generally conducive to pedestrian access. The retaining wall and access gate are part of the access drive and are necessarily located at the access point near NW McNamee Road. <i>The standard is met.</i></p>
<p><b>3.12</b></p>	<p><b>(3) The nature of the use compared to surrounding uses, or</b></p> <p><b>Applicant:</b></p> <p><i>“Applicant is proposing recreational facilities on forest zoned land, a use encouraged by Statewide Planning Goal 4 and allowed in the CFU zone. The use is auxiliary to Metro managing the site for wildlife habitat, water quality, and forest resources. The improvements are confined to interior of the site, away from private property owned to the east, west, and south. Metro owns land to the north. Private property is used primarily for residential uses, with an aggregate facility to the south. Except for residential uses to the east, all other uses are developed on larger lots of record than experienced by applicant. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs. The primary use will be recreational trails. The associated structures (restroom building, information kiosk, bridges, and boardwalk) are the subject of this variance request. The structures themselves will have no effect on surround uses. <i>The standard is met.</i></p>
<p><b>3.13</b></p>	<p><b>(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or</b></p>

	<p><b>Applicant:</b></p> <p><i>“Rejecting the variance and requiring compliance with the 130 foot Forest Practices Act setback would prevent visitor access improvements for public benefit. The Burlington forest was platted for residential subdivision development in 1909. Exhibit 1 [Exhibit A.3.17]. Metro proposes visitor access improvements that include ‘structures’ by definition. Structures are required to meet the forest practices setback of the CFU zone. Given the small size of the historically platted lots (generally 60 feet x 100 feet in the subject area), applicant cannot locate structures in any location that would comply with the Forest Practices Act 130 foot setback standard. Exhibit 2 [Exhibit A.3.18]. CFU zoned property generally consists of large lot resource land, similar to adjacent property owned by applicant, private landowners, and other resource managers. However, the subject property is comprised of 180 small legal lots of record occupying about 67 acres. The property is uniquely situated. This standard is met.”</i></p> <p><b>Staff:</b> Application of the standard to internal subdivision lots within a tract would severely restrict the ability to place structures compared with similarly sized CFU parcels that typically do not contain any subdivision lots let alone urban sized lots (Exhibit B.69). <i>This factor is applicable.</i></p>
3.14	<p><b>(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.</b></p> <p><b>Applicant:</b></p> <p><i>“The Burlington forest was platted for residential subdivision development in 1909, over one hundred years ago. Exhibit 1 [Exhibit A.3.17]. As was common at the time, the plat was done without consideration of topographical, riparian, and other geographical site limitations. As a result, only a very small portion of the platted property, specifically that east of the railroad line and adjacent to Highway 30, has been developed to support residential uses. The remainder of the platted property, west of the railroad line, remained in commercial forest production. Metro proposes visitor access improvements that include ‘structures’ by definition. Structures are required to meet the forest practices setback of the CFU zone. Those setback standards were adopted in 1990 and are being applied to lots created in 1909. Given the small size of the historically platted lots (generally 60 feet x 100 feet), applicant cannot meet the 130 forest practices setback standard. The proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots. Exhibit 2 [Exhibit A.3.18]. As such, applicant respectfully requests a variance from the setback standard as permitted by the CFU zoning and Chapter 33. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs. Properties in the CFU zone are typically large properties that do not include small subdivision lots. The minimum lot size for new parcels in the CFU zone under today’s regulations is 80 acres. CFU standards typically reference tracts (lands in the same ownership) and do not reference subdivision lots. <i>This circumstance is an applicable factor.</i></p>
3.15	<p><b>(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.</b></p> <p><b>Applicant:</b></p> <p><i>“Although a finding of compliance with only one of the examples in 1 – 5 above is sufficient to support a variance, Metro demonstrated compliance with all five examples. Additionally, requiring</i></p>

	<p><i>compliance with the setback standard on paper does not result in additional benefits to adjacent landowners. Metro owns all but two of the subdivided lots in the subject Burlington Forest. One of those lots is owned by the Burlington Water District and developed with the District’s water tank. See Exhibit 2 [Exhibit A.3.18], Block 40, Lot 16. Applicant assumes the district applied for and was granted an exception to the setback standards to develop its lot.</i></p> <p><i>The proposed structures are over 130 feet from the nearest non-Metro owned property, which is a small PGE inholding. There are no forest practices conducted on that property. Thus, enforcing the setback against Metro results in no forest practices benefit for any adjoining property. Also, granting a variance is in the public interest as Metro is proposing trails and parking facilities to benefit and serve the public.”</i></p> <p><b>Staff:</b> Staff concurs. In addition to meeting the five factors listed above, a sixth factor identified by the applicant is the public benefit realized by placing structures in support of public recreational uses on the site.</p>
<p><b>3.16</b></p>	<p><b>(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant’s or present property owner’s making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.</b></p> <p><b>Applicant:</b></p> <p><i>“The Burlington forest was platted for residential subdivision development in 1909, over one hundred years ago. Exhibit 1 [Exhibit A.3.17]. As was common at the time, the plat was done without consideration of topographical, riparian, and other geographical site limitations. As a result, only a very small portion of the platted property, specifically that east of the railroad line and adjacent to Highway 30, have developed to support residential uses. The remainder of the platted property, west of the railroad line, remained in commercial forest production.</i></p> <p><i>Metro proposes visitor access improvements that include “structures” by definition. Structures are required to meet the forest practices setback of the CFU zone. Those setback standards were adopted in 1990 and are being applied to lots created in 1909. The proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots.</i></p> <p><i>Metro purchased the property from a timber company in 2000. The regulatory setback restriction was not of applicant’s making and does not result from Metro’s own personal circumstances, such as financial circumstances. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs. The applicant did not create the 1909 subdivision plat and the circumstances found in (A) above are not the result of personal circumstances of the applicant. <i>The standard is met.</i></p>
<p><b>3.17</b></p>	<p><b>(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.</b></p>

	<p><b>Applicant:</b></p> <p><i>“The Burlington forest was platted for residential subdivision development in 1909, over one hundred years ago. Exhibit 1 [Exhibit A.3.17]. Metro proposes visitor access improvements that include “structures” by definition. Structures are required to meet the forest practices setback of the CFU zone. Those setback standards were adopted in 1990 and are being applied to lots created in 1909. Given the small size of the historically platted lots (generally 60 feet x 100 feet), applicant cannot meet the 130 forest practices setback standard. The proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots. Literal application of the 130 foot setback would prevent any structure from being developed on the property, resulting in excessive difficulties and unnecessary hardship on Metro and the public. Metro owns all but two of the subdivided lots in the subject Burlington Forest. One of those lots is owned by the Burlington Water District (see Exhibit 2 [Exhibit A.3.18] – Block 40, Lot 16) and developed with the District’s water tank.</i></p> <p><i>Applicant assumes the district applied for and was granted a variance to the setback standards to develop its lot, recognizing its unique situation. This standard is met.”</i></p> <p><b>Staff:</b> If the application of the standard applied to subdivision lots and not to the tract, there would be practical difficulty in meeting the Forest Practices setbacks for all of the proposed structures, which would result in an unnecessary hardship to the property owner. The relevant lots are simply too small to provide for any reasonable alternative development option avoiding the need for a Variance. <i>The standard is met.</i></p>
<p><b>3.18</b></p>	<p><b>(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.</b></p> <p><b>Applicant:</b></p> <p><i>“The intent of the Forest Practices Act setback standard is to locate structures away from property owned by another to protect and reduce impacts to adjoining forest practices. Here, there are no adjoining forest practices conducted by another owner that are implicated by or within the setback.</i></p> <p><i>The proposed structures are over 130 feet from the nearest non-Metro owned property, which is a small PGE inholding. There are no forest practices conducted on that property. Thus, enforcing the setback results in no forest practices benefit for any adjoining property.”</i></p> <p><b>Staff:</b> Staff concurs. <i>The standard is met.</i></p>
<p><b>3.19</b></p>	<p><b>(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.</b></p> <p><b>Applicant:</b></p> <p><i>“Metro proposes visitor access improvements that include “structures” by definition. Structures are required to meet the forest practices setback of the CFU zone. Those setback</i></p>

	<p><i>standards were adopted in 1990 and are being applied to lots created in 1909. Given the small size of the historically platted lots (generally 60 feet x 100 feet), applicant cannot meet the 130 forest practices setback standard. The proposed structures cannot be located in any location that can satisfy the setback, given the orientation and small size of the platted lots. As such, relief requested is the minimum necessary variation to alleviate the development restriction.”</i></p> <p><b>Staff:</b> Staff concurs. The Forest Practices setbacks can be met if applied to the tract. However, if Forest Practices setbacks are applied to the individual subdivision lots then the applicant cannot meet the standard, regardless of how the proposed structures are situated on those lots. Importantly, proposed structures will be located more than 30 feet from the nearest adjacent ownership (as proposed or otherwise required in Condition C.3), thus the intent of the Forest Practices setback is satisfied. <i>The standard is met.</i></p>
3.20	<p><b>(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.</b></p> <p><b>Applicant:</b></p> <p><i>“There are not any impacts approving the hardship relief request. Likewise, there are no impacts resulting from the variance to mitigate. Here, there are no adjoining forest practices conducted by another owner that are implicated by or within the setback. The proposed structures are over 130 feet from the nearest non-Metro owned property, which is a small PGE inholding. There are no forest practices conducted on that property. Thus, enforcing the setback result in no forest practices benefit for any adjoining property. On the other hand, denying the request would prevent visitor access improvements, such as a vault toilet and informational signs from being constructed, which represents an unnecessary hardship and result.”</i></p> <p><b>Staff:</b> Staff concurs. The net result of granting the variance is the same as meeting the Forest practices setback on the tract if there were no internal subdivision lines. The placement of the structures will not result in impacts to adjacent ownerships, therefore no additional mitigation beyond that required in other permits (such as Significant Environmental Concern) are required. <i>The standard is met.</i></p>

#### 4.00 Design Review

**Staff Note:** As explained in Section 10.04 of this staff report, MCC 33.6005(B) provides that Community Service uses “shall be subject to Design Review approval under MCC 33.7000 through 33.7065.” The applicant is seeking to establish the Community Service use of a “Local Park” as provided in MCC 33.2030(A)(9) in the Burlington Creek Forest unit, and this Section therefore addresses the design review standards in MCC 33.7000 through 33.7065 as applied to that proposal.

<p><b>4.01</b></p>	<p><b>§ 33.7000- PURPOSES</b></p> <p><b>MCC 33.7000 through 33.7065 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.</b></p> <p><b>§ 33.7005 ELEMENTS OF DESIGN REVIEW PLAN</b></p> <p><b>The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.</b></p> <p><b>§ 33.7010 DESIGN REVIEW PLAN APPROVAL REQUIRED</b></p> <p><b>No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.</b></p> <p><b>Applicant (Exhibit A.3):</b></p> <p><i>“Design Review is the process by which specific site development and improvements are reviewed to ensure functional, safe, innovative and attractive site development compatible with the natural and man-made environment. Design review involves buildings, grading, parking, storage, landscaping, erosion control, and other elements associated with implementing the approved use.</i></p> <p><i>Applicant’s site plan and design furthers the purposes of this code chapter by balancing public access with water quality and habitat considerations, as well as appropriately locating the access improvements within the site and in relation to adjacent properties. The property is and can be safely, efficiently, and effectively served. As proposed, the use and management of the site represents an asset to the County’s natural beauty and presents unique recreational opportunities for its citizens.”</i></p> <p><b>Staff:</b> MCC 33.7010 provides that building, grading, parking, land use, sign and other required permits cannot be issued for a use subject to this section prior to the Planning Director’s approval of a final design review plan. The applicant is proposing a use that is subject to this section in the Burlington Creek Forest unit. In particular, the applicant is proposing to establish the Community Service use in MCC 33.2030(A)(9) of “[u]ses allowed in a Local Park,” including recreational trails, bridges and a boardwalk, an information kiosk, a restroom, and a parking lot. For those Community Service uses, Design Review is required pursuant to MCC 33.6005, which is a Community Service use standard discussed in Section 10.00 of this staff report.</p>
<p><b>4.02</b></p>	<p><b>§ 33.7015 EXCEPTIONS</b></p>

**The provisions of MCC 33.7000 through 33.7065 shall not be applied to the following:**

**(A) Single family residences.**

**(B) Type C Home Occupations unless located in the BRC district.**

**(C) Type C Home Occupations located in the BRC district that require the addition of less than 400 square feet of ground coverage.**

**(D) Commercial photovoltaic solar power generation facility.**

**Applicant:** *“The proposed development does not fall into any of the exception categories above.”*

**Staff:** A limited set of uses are exempt from Design Review. However, the proposed park uses, including the trails and related infrastructure do not include any of the listed exceptions. Design Review is required.

**4.03**

**§ 33.7020 APPLICATION OF REGULATIONS**

**(A) Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through 33.7060 shall apply to all conditional and community service uses, and to be specified, in any district.**

**(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 33.4205 shall only be subject to the following Design Review approval criteria: MCC 33.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the BRC general district.**

**(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.**

**(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.**

**Applicant:** *“The conditional use/community service aspect of the proposed development is subject to the Design Review Approval Criteria listed in MCC 33.7050 and 37.7055, which is addressed below.”*

**Staff:** Subsection (A) of this standard explains that Design Review is applicable to all conditional and community service uses. As explained above, the applicant is proposing the Community Service use of “[u]ses allowed in a Local Park” in the Burlington Creek Forest unit and the uses proposed, including recreational trails, bridges, a boardwalk, parking lot, restroom, and information kiosk, are not subject to exemption from Design Review. The proposal for a park is both a Conditional Use and a Community Service use on all the properties covered by this application in the CFU-1 zone (see base zone findings in Section 2.00).

Subsection (B) of this standard provides that a more limited version of Design Review is applicable when the proposed use requires only fewer than four parking spaces. Here, the proposal includes 25 parking spaces at the Burlington Creek Forest, so subsection (B) does not apply; instead, as provided in subsection (C) of this standard, the proposed uses are subject to all of the approval criteria in MCC 33.7050 and 33.7055.

Subsection (D) only applies to improvements previously reviewed through the Design Review process. There are no prior Design Review approvals for the properties covered by this application, so subsection (D) does not apply.

<b>4.04</b>	<p><b>§ 33.7030 DESIGN REVIEW PLAN CONTENTS</b></p> <p><b>(A) The design review application shall be filed on forms provided by the Planning Director and shall be accompanied by a site plan, floor plan, architectural elevations and landscape plan, as appropriate, showing the proposed development.</b></p> <p><b>(B) Plans shall include the following drawn to scale:</b></p> <ul style="list-style-type: none"> <li><b>(1) Access to site from adjacent rights-of-way, streets, and arterials;</b></li> <li><b>(2) Parking and circulation areas;</b></li> <li><b>(3) Location design, materials and colors of buildings and signs;</b></li> <li><b>(4) Orientation of windows and doors;</b></li> <li><b>(5) Entrances and exits;</b></li> <li><b>(6) Existing topography and natural drainage;</b></li> <li><b>(7) Pedestrian circulation;</b></li> <li><b>(8) Boundaries of areas designated Significant Environmental Concern, Hillside Development and Areas of Special Flood Hazards;</b></li> <li><b>(9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;</b></li> <li><b>(10) Areas to be landscaped;</b></li> <li><b>(11) Exterior lighting location and design;</b></li> </ul>
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- (12) Special provisions for handicapped persons;**
- (13) Surface and storm drainage and on-site waste disposal systems;**
- (14) The size, species, and approximate locations of plant materials to be retained or placed on the site; and**
- (15) Proposed ground-disturbance, grading filling and site contouring.**

**Applicant:** *“Maps, plans, and drawings depicting applicable above required information are included with the application as Exhibits 1, 2, 4, 11, 19, 20, 22 and 23 [Exhibits A.3.16, A.3.18, A.3.20, A.3.28, A.3.36, A.3.37, A.3.40, and A.3.41]. Additionally, future plans submitted for final review and approval will include the required information. This standard can be made a condition of approval to ensure compliance. This standard is met.”*

**Staff:** This section of the Code describes the contents of a Design Review plan. The applicant has provided the required maps, plans, and drawings (Exhibits A.3, A.9, A.20).

**4.05 § 33.7040 FINAL DESIGN REVIEW PLAN**

**Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. Final design review plan shall contain the following, drawn to scale:**

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030, as appropriate;**
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and**
- (C) Approved minor exceptions from yard, parking, and sign requirements.**

**Applicant:** *“Applicant understands that prior to land use approval for commencement of physical development, revised plans must be submitted showing compliance with the land use approvals granted, all conditions of approval, and required modifications. This standard can be made a condition of approval to ensure compliance.”*

**Staff:** This standard requires an applicant to revise their plans to show compliance with land use approvals granted, conditions of approval, and required modifications, and provides specific information that must be included in the final design review plan. Because this standard requires actions to be taken after the land use approval is granted, it must be met through imposition of a condition. Condition E.1 requires the applicant to comply with this standard. *As conditioned, the standard is met.*

**(A) Approval of a final design review plan shall be based on the following criteria:**

**(1) Relation of Design Review Plan Elements to Environment.**

**(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

**(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.**

**(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

\* \* \*

**Applicant (Exhibit A.3):** *The visitor access and parking area improvements are designed to blend with the forest environment. The parking area represents a compact, efficient and effective use of land, providing adequate parking and amenities to serve the use, while limiting impacts on the surrounding landscape. They are simple and functional. The proposed access improvements and alterations will utilize existing cleared areas. Only 0.05 acres is proposed to be cleared for parking area improvements. The only structures are a small vault toilet and information sign, whose materials and colors are both natural looking and fire resistant. The toilet facility is well equipped to withstand both the typical weather and atypical storms of the region. The building meets or exceeds the effects of a seismic design category E earthquake, a 150-mph wind load, and a 350-pound per square foot snow load. With steel reinforced 5,000 psi concrete construction, the building and vaults will not rot, rust, or burn. Exhibit 11 [Exhibit A.3.28].*

*The landscaping and mitigation planting around the parking area will be native and consistent with the native environs. Temporary disturbance areas will incorporate native planting and restoration seeding. Applicant has also requested an exception to the secondary fire break standards to reduce the number of trees and undergrowth that Metro would be required to remove otherwise. The request seeks to recognize the passive recreational use in a forest environment and better blend the new improvements into that environment more appropriately as well as retain habitat for wildlife species.*

*Each element of the plan effectively, efficiently, and attractively serves its function.*

*This standard is met.*

**Staff:** This standard addresses the relationship of the design review plan to the environment, including (1) the relationship to the natural environment and existing structures with a visual relationship to the site; (2) promotion of energy conservation and protection from adverse climatic

	<p>conditions, noise, and air pollution; and (3) the effective, efficient, and attractive function of each element on a human scale, interrelated, with spatial variety and order.</p> <p>The design review plan addresses Applicant’s proposed development in Burlington Creek Forest including recreational trails, bridges and a boardwalk, a parking lot, restroom, and information kiosk.</p> <p>As to the first part of the standard, Staff concurs with and adopts the applicant’s findings.</p> <p>As to the second part of the standard, the planned recreational trails will prohibit motorized vehicles (except for service, maintenance, and emergency vehicles as needed) thus promoting energy conservation and providing protection from noise and air pollution (Exhibit A.3.3, page 6, paragraph 4).</p> <p>Staff interprets ‘adverse climatic conditions’ to mean adverse weather conditions over time because climate refers to long term weather averages (typically on the scale of decades) as opposed to weather, which relates to the atmospheric conditions occurring on a daily time scale (Exhibit B.68). For the purposes of this standard, ‘adverse climatic conditions’ relate to adverse weather events including for example, periods of high fire danger, damaging storms, and flooding.</p> <p>For the third part, each element of the design review plan will effectively, efficiently, and attractively serve its function because the parking area and restroom provide convenient access to the park trails. The setting parking area and restroom are appropriately designed to fit within the natural setting at Burlington creek, including the use of earth tone colors. The trails themselves provide an attractive natural setting. The minimal development and natural setting are on human scale that transitions from trailhead setting (parking, restroom building, and information kiosk) to trails in the forest setting providing an inter-related special variety. <i>The standard is met.</i></p>
<p><b>4.07</b></p>	<p><b>(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.</b></p> <p><b>Applicant:</b></p> <p><i>“The parking lot and visitor access improvements are intended to formalize and improve the safety and function of current recreational access occurring on site. The vault toilet affords opportunities for privacy and personal needs. The layout puts the parking area in the interior of the site, moving it away from its current informal location adjacent to NW McNamee, and is buffered by trees and topography, thereby preventing impacts to the privacy of adjacent properties located a substantial distance away. The area is generally level, and as proposed, does not represent a landslide hazard. Exhibit 20 [Exhibit A.3.37].</i></p> <p><i>All rules and regulations at the nature park will be consistent with Metro’s Title 10, which outlines regulations governing the use of Metro owned and operated regional parks and natural areas in order to protect wildlife, plants, and property, as well as promotes the safety and enjoyment of those visiting these facilities.</i></p> <p><i>For public security and safety, hours of operation and regulatory signs will be installed at the access point. Regulatory signs will include public use restrictions, such as no fires, camping, hunting, fireworks, or motorized vehicles, and other uses outline in Metro’s Title 10. Vehicle access will be controlled with automatic gates to prevent after hours use. Gates will be locked daily at park closure times. Boundary markers will be installed along the perimeter of the natural area to clearly delineate the public/private edge. During the summer months, daily maintenance of the park will include toilet cleaning, litter pick-up and general monitoring. Routine seasonal</i></p>

	<p><i>maintenance of the natural area features, including trails, will also occur. Metro Park Rangers, land managers, volunteer coordinators, and scientists will ensure successful operation, maintenance, and continued use of the site.</i></p> <p><i>This standard is met.”</i></p> <p><b>Staff:</b> This standard requires the design review plan to provide a safe environment, as well as opportunities for privacy and transitions from public to private spaces. Staff concurs with and adopts Metro’s proposed finding. <i>The standard is met.</i></p>
<p><b>4.08</b></p>	<p><b>(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.</b></p> <p><b>Applicant (Exhibit A.3):</b></p> <p><i>“The needs of handicapped are reflected in the parking design and materials, pedestrian access/pathway design and materials to the extent feasible. An ADA compliant restroom with an accessible route from the parking lot is proposed. Exhibits 11 [Exhibit A.3.28] and 20 [Exhibit A.3.37]. The existing access drive will be resurfaced and the parking lot paved to provide a safe and functional travel surface. Exhibit 20 [Exhibit A.3.37].”</i></p> <p><b>Applicant: [Exhibit A.24, June 10, 2019]</b></p> <p><b>“Accessibility and ADA Compliance</b></p> <p><i>Providing opportunities to access nature for people with disabilities is integral to the work of Metro. The Parks and Nature department recently completed an ADA assessment of its destination sites. This work highlighted opportunities to provide access to nature for all at existing sites while also informing the design of future parks.</i></p> <p><i>Metro will adhere to accessibility guidelines for parking, trailhead features, and signs following the U.S. Access board’s 2013, Outdoor Developed Areas Accessibility Guidelines (ODAAG). Section 5 of the ODAAG describes the scoping and technical requirements as follows:</i></p> <p style="padding-left: 40px;"><i>A trail has only one designed use that determines the design, construction, and maintenance parameters for the trail. A trail can have more than one managed use based on a management decision to allow other uses on the trails. Trails that have a designed use for hikers or pedestrians are required to comply with the technical requirements for trails in 1017. Trails that have a designed use for other than hikers or pedestrians are not required to comply with the technical requirements for trails in 1017.</i></p> <p><i>Although trails at the North Tualatin Mountain sites will be managed for both hikers and mountain bikers, for purposes of complying with accessibility guidelines, mountain biking is the designed use. Thus, trails are not required to comply with the technical requirements for pedestrian trails. Also, compliance at the site is impracticable due to terrain and prevailing construction practices; as accessible trails would fundamentally alter the natural area function and purpose of the site. As new trails will be managed for both hikers and mountain bikers, trails are proposed to meet accessibility guidelines to the greatest extent possible to accommodate a wide range of visitors. While trails are not proposed to have a year round firm and stable surface, trail widths and grades of beginner level trails are designed to meet the guidance of the Architectural Barriers Act (ABA). Information about trail grades, width, and surfacing will be provided at the trailhead and on</i></p>

	<p><i>Metro’s website, so visitors may evaluate for themselves whether trails meets their level of ability, comfort level, and desire for challenge.</i></p> <p><i>Accessibility guidance further allows park providers to take a programmatic approach towards providing access to nature for all. While it may not be possible to offer accessible hiking, fishing, camping, play, picnicking, nature education, etc. at every Metro site, an accessible version of each of these activities is intended within the program or portfolio of opportunities that Metro offers. While the North Tualatin Mountain sites are less feasible for accessible improvements, other Metro sites present good opportunities to accommodate people of all ages and abilities.”</i></p> <p><b>Staff:</b> This standard requires the design review plan to provide for the special needs of handicapped persons where appropriate. Staff concurs with and adopts Metro’s proposed finding. <i>This standard is met.</i></p>
<p><b>4.09</b></p>	<p><b>(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.</b></p> <p><b>Applicant (Exhibit A.3):</b></p> <p><i>“Metro employs a science based approach [sic] to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research, and by using external experts to evaluate possible impacts of potential access opportunities. Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective identified suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.</i></p> <p><i>The final product and public improvements contemplated are the result of over two years of significant public outreach effort – including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks &amp; Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors.</i></p> <p><i>The plan’s goals include: Protecting fish and wildlife habitat and water quality while providing opportunities for meaningful experiences of nature in a safe, controlled, and sustainable manner.</i></p> <p><i>The visitor access and parking area improvements are designed to blend with the forest environment. The parking area represents a compact, efficient and effective use of land, providing ample parking and sufficient amenities to serve the use, while limiting impacts on the surrounding landscape. They are simple and functional. The proposed access improvements and alterations will utilize existing cleared areas with only 0.05 acres proposed to be cleared for the parking area. A small vault toilet, whose materials and colors are both natural looking and fire resistant, is also proposed.</i></p>

*The landscaping will be native and consistent with the native environs. Exhibits 1 [Exhibit A.3.17], 10 [Exhibit A.3.27] and 23 [Exhibit A.3.41].*

*Temporary disturbance areas will incorporate native planting and restoration seeding.*

*Each element of the plan effectively, efficiently, and attractively serves its function.*

*Overall the proposed access road, toilet facility, and parking area will have a minor impact on the natural grade and landscaping of the area. The grade, which is generally flat, will be slightly altered to accommodate the use of a retaining wall to lessen fills. The parking area is in an area that is not identified as a landslide hazard. The existing access drive will be resurfaced to prevent dust and provide a safe travel surface. Exhibit 20 [Exhibit A.3.37]. New planned trails will rest gently on the landscape, avoiding impacts to sensitive natural resource areas. New trails will be aligned to go around existing trees, best practices will be employed to minimize erosion potential and structures will be used to avoid impacts to existing drainages at the site.*

*As described above, the proposed access improvements have been carefully studied, considered, and planned by scientists, landscape architects, stakeholders, and members of the public, to name just a few. Exhibits 1, 2, 3, 4, and 19 [Exhibits A.3.17, A.3.18, A.3.19, A.3.20, and A.3.36]. They are carefully sited to minimize the impact to the natural resources and existing upland forest.*

*Tree removal is proposed notwithstanding the great care that was taken to site these improvements. The area to be cleared to support the access driveway and parking improvements is only approximately .05 acres. In this area, 12 trees with DBH ranging from 10-15 inches would be removed. Exhibit 20 [Exhibit A.3.37]. Along NW McNamee Road, additional trees and shrubs would be pruned to meet sight distance/vision clearance standards. Exhibit 20 [Exhibit A.3.37].*

*The interests considered during the siting process were 1) preservation of natural resources and habitat areas; 2) user considerations (convenience, privacy, safety, aesthetics, etc.); 3) operational issues (efficiency and costs); and 4) site feasibility considerations (grade). Exhibits 1, 2, 3, 4, 19, 20 and 22. [Exhibits A.3.17, A.3.18, A.3.19, A.3.20, A.3.36, A.3.37, and A.3.40]*

*The desired future condition is to have visitors feel like they are recreating in the wilderness.*

*The design presented for land use approval:*

- *Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- *Integrates community and partner suggestions;*
- *Identifies and accesses the best location for day use and trail heads;*
- *Utilizes existing roads and locates new trails to avoid and minimize impacts to sensitive natural resource areas;*
- *Employs sustainable trail design and construction techniques;*
- *Provides safe ingress and egress and internal movement of vehicles and pedestrians; and*
- *Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports.*

*This standard is met.”*

	<p><b>Staff:</b> This standard contains two separate requirements: (1) The Applicant must preserve the landscape and existing grade to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions; and (2) the Applicant must protect preserved trees and shrubs during construction. As to the first requirement, the existing landscape and grade will be modified in order to enlarge an existing logging road turn-out to accommodate the proposed parking area and to improve sight distance for vehicles exiting the site onto NW McNamee Road. The regrading of these areas is necessary in order to facilitate safe visitor access to the proposed recreational trails. Ground disturbances total 1.86 acres, constituting 0.05 acres for the parking area (parking area is proposed in an already cleared area where 12 trees are proposed to be removed); 1.8 acres for trails; and 400 sf of bridge abutments (Exhibits A.3.36, A.26); this approach preserves the landscape and existing grade to the maximum practical degree. Any other parking area location would require additional tree removal because it would involve clearing a forested area rather than using the existing partially cleared area at the road turn-out. The trails were selected as proposed to respect existing contours, which reduces tree removal and necessary grading.</p> <p>No other significant grading is proposed on the site and is limited to parking area as shown on the grading plan at Exhibit A.3.37 (Note: offsite grading such as that proposed for site distance improvements for NW McNamee Rd. are not included in this analysis). The proposal includes low bridges and an at grade boardwalk to minimize the need to alter topography to accommodate users crossing drainages (Exhibit A.3.40). Condition E.2 requires the removal of trees and shrubs during construction to be the minimum necessary except for removal of nuisance / invasive species and forest practices.</p> <p>The second part of the standard requires the Applicant to protect trees and shrubs during construction that are “preserved,” meaning, “intended to remain on the site.” Condition E.2 requires the protection of nearby trees and shrubs that may be vulnerable to the development of the parking area and trails. <i>As conditioned, the standard is met.</i></p>
<p><b>4.10</b></p>	<p><b>(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.</b></p> <p><b>Applicant:</b></p> <p><i>“Site visitors currently park along or adjacent to the access drive and NW McNamee Road in an uncontrolled setting when recreating on site. Metro proposes to formalize the access to safely get vehicles and pedestrians to the trailhead and off of NW McNamee Road. A paved access drive and small parking lot, including an accessible parking stall, is proposed to serve users. The access provides for two-way traffic with a vehicle turnaround. Exhibit 20 [Exhibit A.3.37]. This standard is met.”</i></p> <p><b>Staff:</b> This standard requires that parking, as well as pedestrian and vehicular circulation, maximize safety and convenience and be harmonious with proposed and neighboring structures. In particular, the standard requires examination of the location and number of access points. The site utilizes a single public access point to the site off of NW McNamee Road, which will connect to the proposed parking area at the trailhead (Exhibit A.3.37). The site is designed to safely park vehicles off the road and for hikers and bicyclists to transition to the trail use. Amenities such as bumper</p>

	<p>rails, pedestrian walkways, and an accessible parking stall are provided. These amenities meet the standard.</p> <p>The location of the access point onto NW McNamee drive is further addressed in Section 12.00 (Policy 5(c)). The standard also requires examination of parking and circulation, which are addressed in Section 9.00. The proposed parking area, restroom building and information kiosk. The bumper rails and provided pedestrian walkways provide separation between vehicles and pedestrians; therefore the parking area and proposed structures are safe, and convenient as well as harmonious. The site is physically distant from any buildings on neighboring properties. <i>The standard is met.</i></p>
<p><b>4.11</b></p>	<p><b>(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.</b></p> <p><b>Applicant:</b></p> <p><i>“The parking area and trail system is designed so as to not adversely affect the landscape and will not affect adjacent properties or streets. All surface flow will be collected and/or dispersed on site as directed by the geotechnical and civil engineers to mitigate the additional flow created by the paved surface. Exhibits 2 and 4 [Exhibits A.3.18 and A.3.20]. A drainage system, with manholes is depicted on the plans. Exhibit 20 [Exhibit A.3.37]. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. Surface drainage is required to meet the standards of the Hillside Development permit, which are addressed in Section 6.00. Impervious surfaces in the parking area and driveway are designed to help collect and control surface runoff on-site. <i>The standard is met.</i></p>
<p><b>4.12</b></p>	<p><b>(7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.</b></p> <p><b>Applicant:</b></p> <p><i>“The area surrounding Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, ancient forest preserve, and wetland.</i></p> <p><i>Surrounding land uses of note include the following:</i></p> <ul style="list-style-type: none"> <li>• <i><u>Quarry:</u> An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.</i></li> <li>• <i><u>Rural Residential:</u> Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential areas are located along NW McNamee, west of the forest, and also adjacent to Highway 30, below the forest. The residential uses adjacent to Highway 30 are typically solely residential in nature. While many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.</i></li> </ul>

- *Ancient Forest Preserve: The Ancient Forest, owned and managed by the Forest Park Conservancy, protects nearly 40 acres of old growth forest adjacent to the southwest corner Burlington Creek Forest site. The conservancy welcomes visitors to the Ancient Forest and has recently extended the trail system.*
- *Burlington Bottoms: The roughly 400-acre Burlington Bottoms wetlands, owned by Bonneville Power Administration (BPA) and managed by Oregon Department of Fish and Wildlife (ODFW), lie northeast of Burlington Creek Forest. The railroad lines are located west of the homesites along Highway 30, with Burlington Creek Forest, uphill from the rail lines.*

*McNamee Road, Cornelius Pass Road and the railroad all cross through the Burlington Creek Forest. Additional infrastructure includes the power line corridors running the length of the site, logging roads, and a Burlington Water District water tank that serves the neighborhood below.*

*Connectivity between Burlington Creek Forest and Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by US Highway 30, local roads, residential development, and the railroad line.*

*Impacts to the surrounding neighborhoods from site improvements and additional public use will be minimal. The site is isolated from adjacent property and uses given its sheer size. Uses are promoted in the interior of the forest. Additional Metro objectives include: Providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, providing setbacks and buffers, and monitoring the use.*

*All rules and regulations at the nature park will be consistent with Metro's Title 10, which outlines regulations governing the use of Metro owned and operated regional parks and natural areas in order to protect wildlife, plants, and property, as well as promotes the safety and enjoyment of those visiting these facilities. For public security and safety, hours of operation and regulatory signs will be installed at the access point. Regulatory signs will include public use restrictions, such as no fires, camping, hunting, or motorized vehicles, and other uses outlined in Metro's Title 10. Vehicle access will be controlled with automatic gates to prevent after hours use. Gates will be locked daily at park closure times. Boundary markers will be installed along the perimeter of the natural area to clearly delineate the public/private edge. Regular maintenance of the park will include toilet cleaning, litter pick-up and general monitoring. Routine seasonal maintenance of the natural area, including trails, will also occur. Metro Park Rangers, land managers, volunteer coordinators, nature educators and scientists will ensure successful operation, maintenance, and continued use of the site.*

*Site rehabilitation and management will be pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aimed to protect and enhance the forest's natural and scenic resources and to create a place for wildlife to thrive. Exhibit 1 [Exhibit A.3.17]. The desired conditions will promote native trees and shrubs; provide habitat for migrating and nesting birds, mammals and amphibians; and protect water quality and riparian habitat while promoting cooler temperatures. Exhibit 10 [Exhibit A.3.27]. As the forest matures, it will further screen and buffer the use, which is currently screened and buffered by the existing forest."*

**Staff:** Staff concurs with and adopts Metro's proposed finding, as supplemented here. The proposed parking area, related structures, and new trails will all be located in a forest setting, will

	<p>be screened from other properties by existing trees and understory vegetation, and therefore will not have adverse impacts on neighboring properties. The only exception to this is where trails cross under existing power lines in areas that are required to maintain lower vegetation heights due to a power line easement across the site. Note that these areas are internal to the site and do not cause an adverse impact on neighboring properties. Further, the lower vegetation heights underneath power lines also minimizes adverse impacts on the site itself. <i>The standard is met.</i></p>
<p><b>4.13</b></p>	<p><b>(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.</b></p> <p><b>Staff:</b> No above ground utilities are proposed. Power to the site will be underground (Exhibit A.26.1). <i>The standard is not applicable.</i></p>
<p><b>4.14</b></p>	<p><b>(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.</b></p> <p><b>Applicant:</b> “<i>The only signs associated with the proposed use are entry signs (identifying the location of the parking area), parking regulation signs (ADA, no parking), and directional and interpretative signs associated with the trail system and area. No lighted or moving signs are proposed. All signage will be consistent with the woodland setting. This standard is met.</i>”</p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. Signs are further addressed in Section 9.00 of this report. <i>The standard is met.</i></p>
<p><b>4.15</b></p>	<p><b>§ 33.7055 REQUIRED MINIMUM STANDARDS</b></p> <p><b>(A) Private and Shared Outdoor Recreation Areas in Residential Developments:</b></p> <p><b>(1) Private Areas – Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.</b></p> <p><b>(2) Shared Areas – Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:</b></p> <p style="padding-left: 40px;"><b>(a) One or two-bedroom units: 200 square feet per unit</b></p> <p style="padding-left: 40px;"><b>(b) Three or more bed-room units: 300 square feet per unit.</b></p> <p><b>(B) Storage</b></p>

	<p><b>Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.</b></p> <p><b>Staff:</b> These standards apply to residential developments with outdoor recreation areas. The proposed park and trails do not include outdoor recreation areas in residential developments. <i>The standards do not apply.</i></p>
4.16	<p><b>(B) Storage</b></p> <p><b>Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.</b></p> <p><b>Staff:</b> The proposal does not include residential developments. <i>The standard does not apply.</i></p>
4.17	<p><b>(C) Required Landscape Areas</b></p> <p><b>The following landscape requirements are established for developments subject to design review plan approval:</b></p> <p style="padding-left: 40px;"><b>(1) A minimum of 15% of the development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.</b></p> <p><b>Applicant:</b></p> <p><i>“The development area is heavily forested and natural vegetation covers all adjacent areas not currently cleared for the existing access road. This standard is met.”</i></p> <p><b>Staff:</b> In order to evaluate this standard it is useful to begin with an understanding of what is meant by ‘...developments subject to design review plan approval’ and similarly, what is meant by the term ‘development area’ to which the 15% landscaped requirement is applied.</p> <p>The Design Review standards do not include a definition of development or development area. Because the Design Review Section does not include its own specific definitions, it is necessary to look to the definitions that apply to all of MCC Chapter 33:</p> <p><b>§ 33.0005 DEFINITIONS.</b>  <i>As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.</i>  ***  <i>Development – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or removal of vegetation.</i></p> <p><b>Staff:</b> The “act requiring a permit” that is subject to design review approval is the establishment of trails, bridges, a boardwalk, a parking lot, a restroom, and an information kiosk in Burlington Creek</p>

	<p>Forest. Those uses and structures are “[u]ses allowed in a Local Park” under MCC 33.2030(9)(b) that can be approved through a Conditional Use/Community Service permit, which is subject to design review plan approval under MCC 33.7020 (Section 4.03). Therefore, the “developments subject to design review plan approval” are the local park uses that the applicant has proposed for Burlington Creek Forest, namely trails, bridges, boardwalk, parking lot, restroom, and information kiosk. The “development area” is the area where those uses and structures are proposed. Those areas are limited to the paved drive, parking area, restroom building, information kiosk (approximately 12,200 square feet total) and the new trails. Approximately 5.6 miles of new trails will range from 24 inches to 42 inches wide (79,493 square feet (1.82 acres) of development area (Exhibit A.26).</p> <p>The standard in subsection (1) requires a minimum of 15% of the development area to be landscaped. To understand what qualifies as “landscaped,” subsection (7) below provides some guidance:</p> <p><b>(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.</b></p> <p><b>Staff:</b> Based on the broad definition provided in subsection (7), ‘landscaped’ includes, among other things, plantings. The history of the tracts now owned by Metro includes forestry operations (Burlington Creek Forest in particular), which includes new plantings post timber harvest. More importantly, Metro’s own plans call for the maintenance and enhancement of the forest canopy within the Burlington site, which includes the addition of 7,000 native plants as part of restoration efforts (page 9 of SEC-h Worksheet, Exhibit A.3.36). Condition E.3 requires vegetative screening to be retained around the parking area, restroom building, information kiosk, and trails while also meeting the fire safety zone requirements of MCC 33.2056 (see section 2.10). <i>As conditioned, the standard is met.</i></p>
<p><b>4.18</b></p>	<p><b>(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.</b></p> <p><b>Applicant:</b> <i>The development area is heavily forested and natural vegetation covers all adjacent areas not currently cleared for the existing access road. Only 0.05 acres are proposed to be cleared to support the parking area improvement. Areas that are temporarily impacted by construction will be planted and reseeded with native vegetation. This standard is met.</i></p> <p><b>Staff:</b> The areas subject to the final design review plan are developed areas (the parking area and the proposed trails). Pursuant to MCC 33.7040, the final design review plan shall contain the required ‘Site Development and Landscape Plans.’ Therefore, in addition to the requirement to retain 15% ‘landscaped’ area, Condition E.3 also requires the applicant to maintain the forest canopy adjacent to the parking area, restroom building and information kiosk while also meeting the fire safety zone requirements of MCC 33.2056. Unless a tree poses a hazard and needs to be removed and replanted. The proposed trails are landscaping because ‘walkways’ are included in the definition of landscaped in MCC 33.7055 (C ) (1) “Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features”. . <i>The standard is met through a condition of approval.</i></p>
<p><b>4.19</b></p>	<p><b>(3) The following landscape requirements shall apply to parking and loading areas:</b></p>

**(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

**Applicant:** *“There are 25 parking stalls proposed which translates to 625 sq. ft. of required landscaping. Around the parking lot and vault toilet, applicant proposes a landscape transition that complies with the forest practices primary fire break standard and transition into a mature forest setting. Exhibit 23 [Exhibit A.3.41]. The property is managed pursuant to an approved forest management plan. No defined landscaping space in the “urban” or “rural” sense is warranted. This is resource land and will remain and be managed as resource land with the goal of promoting a mature forest setting. This standard is met.”*

**Staff:** This standard requires a parking area with ten or more spaces to include defined landscaped areas of at least 25 feet per parking space. The proposed parking area includes 25 parking spaces, which requires at least 625 square feet (25 sq. ft. x 25 spaces) of ‘defined’ landscaped area. As noted above, for purposes of design review, “landscaped” means “the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.” MCC 33.7055(C)(7). While the majority of the landscaped area adjacent to the parking area includes forest canopy (the planted forest canopy counts as planted vegetation per the definition: MCC 33.7055 (C ) (1) ‘Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.’), the parking area also includes an 800 square foot (40’ x 20’) area of ‘defined’ landscaped area including pedestrian walkways and an area set aside for a picnic table (Exhibit A.3.37, page 4 of 5) in the area located between the proposed restroom building and the proposed information kiosk. Because the definition of “landscaped” includes “outdoor structures, furniture, walkways and similar features,” the 800 square foot pedestrian walkways and picnic table area adjacent to the parking area satisfy the requirement for 625 square feet of defined landscaped area. *The standard is met.*

**4.20**

**(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.**

**(c) A landscaped strip separating a parking or loading area from a street shall contain:**

- 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
- 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
- 3. Vegetative ground cover.**

**Applicant:** *“There is no lot line adjacent to a street or any other lot line near the project area. This standard is not applicable or otherwise met.”*

**Staff:** The standard is meant to provide a landscaping strip between parking areas and public rights-of-way. Internal rights-of-way included in the 1909 Burlington subdivision were never built

	<p>out and are in the process of being vacated. The proposed parking lot will be located over 100 feet from the nearest improved right-of-way (NW McNamee Road) (Exhibit B.78). The nearest external property line is located over 170 feet away (Exhibit B.83). The areas between the parking area and the nearest property is forested (except for the driveway) as is the area between the parking area and NW McNamee Rd. <i>The standard is met.</i></p>
4.21	<p><b>(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.</b></p> <p><b>(e) A parking landscape area shall have a width of not less than 5 feet.</b></p> <p><b>Staff:</b> The defined landscaped area is formed by the raised curbing, pedestrian walkway and forest trees surrounding the parking area and exceeds 5 feet in width (Exhibit A.3.41). <i>The standard is met.</i></p>
4.22	<p><b>(4) Provision shall be made for watering planting areas where such care is required.</b></p> <p><b>Applicant:</b> “Areas that are revegetated as part of these improvements will be hand watered and maintained as needed to ensure successful establishment. Metro only uses native plants that are well adapted to local conditions. This standard can be made a condition of approval.”</p> <p><b>Staff:</b> Staff concurs with and adopts the applicant’s finding. Condition E.3 requires provisions (such as hand watering) for watering plants as appropriate to ensure their survival until the plantings have established. <i>As conditioned, the standard is met.</i></p>
4.23	<p><b>(5) Required landscaping shall be continuously maintained.</b></p> <p><b>Applicant:</b> “Areas that are revegetated as part of these improvements will be maintained by park staff to ensure successful establishment. Metro only uses native plants that are well adapted to local conditions to ensure long term survivorship. As a standard practice, Metro initially overplants in anticipation of some mortality, to ensure natural densities and prevent weed establishment. This standard can be made a condition of approval to ensure compliance.”</p> <p><b>Staff:</b> Condition E.3 requires continual maintenance of required landscaping (see finding at Section 4.17 above), which is all of the developed area (pavement etc.) in the parking area, and the tree canopy adjacent to the parking area and trails. <i>The standard is met through a condition of approval.</i></p>
4.24	<p><b>(6) Maximum height of tree species shall be considered when planting under overhead utility lines.</b></p> <p><b>Applicant:</b> “Metro understands. This standard can be made a condition of approval to ensure compliance.”</p> <p><b>Staff:</b> Metro is required to meet its obligations within the Bonneville power line easement that runs through its property. <i>The standard is met.</i></p>

4.25	<p><b>(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.</b></p> <p><b>Staff:</b> Subsection (7) provides a definition for the term ‘landscaped’ as it applies to the Design Review standards and is not a separate approval criterion.</p>
4.26	<p><b>§ 33.7060 MINOR EXCEPTIONS: YARD, PARKING, SIGN, AND LANDSCAPE REQUIREMENTS</b></p> <p><b>(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:</b></p> <ul style="list-style-type: none"> <li><b>(1) Dimensional standards for yards as required in the primary district;</b></li> <li><b>(2) Dimensional standards for off-street parking as required under MCC 33.4170 to 33.4175;</b></li> <li><b>(3) Standards for minimum number of off-street parking spaces as required in the primary district; and</b></li> <li><b>(4) Dimensional standards for signs as required in the primary district;</b></li> <li><b>(5) In the case of a proposed alteration, standards for landscaped areas under MCC 33.7055 (C).</b></li> </ul> <p><b>(B) Except under subsection (A) (5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.</b></p> <p><b>(C) Approval of a minor exception shall be based on written findings, as required in this subpart.</b></p> <ul style="list-style-type: none"> <li><b>(1) In the case of a minor yard exception, the Planning Director shall find that approval will result in:</b> <ul style="list-style-type: none"> <li><b>(a) More efficient use of the site;</b></li> <li><b>(b) Preservation of natural features, where appropriate;</b></li> <li><b>(c) Adequate provision of light, air, and privacy to adjoining properties; and</b></li> </ul> </li> </ul>

(d) Adequate emergency accesses.

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

(a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);

(b) Opportunities for joint use of nearby off-street parking facilities;

(c) Availability of public transit;

(d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.

(3) In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

(4) In the case of a minor exception to the standards for landscaped areas, the Planning Director shall find that approval is consistent with MCC 33.7000, considering the extent and type of proposed alteration and the degree of its impact on the site and surrounding areas.

**Applicant:**

*"This standard applies at the time of final plan sign off and is not applicable at this time."*

**Staff:** No minor exceptions are requested. *The standard does not apply.*

## 5.00 Significant Environmental Concern

### 5.01 § 33.4500- PURPOSES

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands,

**domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.**

**Applicant:**

*“Applicant proposes visitor access improvements to serve an extended multi-use trail system on a portion of Metro’s Burlington Creek Forest area. Exhibits 20 and 22 [Exhibits, A.3.37, and A.3.40]. The improvements protect water quality and fish and wildlife habitat, while creating opportunities for the community to enjoy nature.”*

**Staff:** The proposal is consistent with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 33.4560 through 33.4575 as found in Sections 5.12 through 5.34. Some comments (Exhibits D.5, D.14, D.33, and D.68) make reference to this purpose section (MCC 33.4500), however the purpose section is not a standard that the applicant is required to meet, rather the purpose section provides a basis for the implementing regulations that follow.

**5.02**

**§ 33.4505 AREA AFFECTED**

**Except as otherwise provided in MCC 33.4510 or MCC 33.4515, this subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.**

**Applicant:**

*“The area of the proposed development is designated SEC on the Multnomah County Zoning Map.”*

**§ 33.4510 USES; SEC PERMIT REQUIRED**

**(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4515, shall be subject to an SEC permit.**

**Applicant:**

*“Applicant is requesting that an SEC permit be issued for the use approval sought. This standard is met.”*

**Staff:** The applicant proposes a park and recreational improvements to serve an extended multi-use trail system on a portion of Metro’s Burlington Creek Forest unit (Exhibits A.3.37 and A.3.39). The entirety of the Burlington Creek Forest site is located within the Significant Environmental Concern (SEC) for wildlife habitat (SEC-h) and for scenic views (SEC-v) (Exhibits B.62 and B.63). Additionally, the 300 feet on either side of Burlington Creek is within the SEC for streams (SEC-s). Development in support of the proposed recreational trail system would include seven

	<p>bridges, a boardwalk, and a trail-head parking area with a restroom building and information kiosk. The developments will be located within the SEC-h and SEC-v overlays, but no new development is proposed within the SEC-s overlay (Exhibit A.3.40). Therefore, the applicant must show compliance with the SEC-h and SEC-v overlay standards, but need not show compliance with the SEC-s overlay standards. One comment (Exhibit D.5, page 64; D.5.a, page 297; D.5.d, page 296 – 297; D.33, page 74-75; D.68, page 239-240) indicates that proposed trails are either in the SEC-s overlay or come close. Exhibit A.3.11 Staff does not find new trail development located within the SEC-s overlay and the Applicant has satisfactorily addressed the issue on page 67 and 68 of Exhibit A.3.11.</p>
<p><b>5.03</b></p>	<p><b>(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.</b></p> <p><b>Applicant:</b>  <i>“This standard is not applicable.”</i></p> <p><b>Staff:</b> No archaeological excavations are proposed. <i>The standard does not apply.</i></p>
<p><b>5.04</b></p>	<p><b>(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.</b></p> <p><b>Applicant:</b>  <i>“This standard is not applicable. The site does not include a scenic waterway under the Oregon Scenic Waterways System.”</i></p> <p><b>Staff:</b> The site does not include a scenic waterway under the Oregon Scenic Waterways System. <i>The standard does not apply.</i></p>
<p><b>5.05</b></p>	<p><b>§ 33.4515      EXCEPTIONS</b></p> <p><b>(A) Except as specified in (B) below, a SEC permit shall not be required for the following:</b></p> <p><b>* * *</b></p> <p><b>(2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;</b></p> <p><b>* * *</b></p> <p><b>(4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;</b></p>

**(5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;**

\* \* \*

**(B) Within Metro’s 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except that agricultural fences shall not require an SEC-s permit.**

**Applicant (page 54 of applicant’s narrative, Exhibit A.3.8):** *“Metro is proposing improvements to enhance and maintain public recreational and trail uses in the natural area. The proposal to develop a formal parking area and new trail sections are both activities to protect, conserve, enhance, and maintain public recreational and natural uses on public lands. The activities are expressly exempt from SEC permit requirements.*

*At a minimum, the proposed new trail sections must be exempt from SEC permit standards, based on the express language above.*

**Please note:** *Although the activities proposed are exempt from SEC permit standards, and so as to address any concern over the impact of the proposal on the SEC –h, SEC-v, and SEC- s overlays, alternatively applicant demonstrates compliance with the SEC and Wildlife Conservation Plan criteria below.”*

**Staff:** As noted, the applicant is proposing development in the SEC-h and SEC-v overlays. In particular, the applicant is proposing forest management practices (Exhibit A.3.4, page 18), recreational trails, bridges, a boardwalk, a parking area, a restroom, and an information kiosk.

Forest management practices such as thinning and maintaining fire breaks are exempt from SEC review under Section (A)(2) above.

The proposed information kiosk, any proposed signs, and directional markers are all exempt from SEC review under subsection (A)(4) above because the information kiosk and other signs will serve the public accessing the site. Wayfinding markers (Exhibit A.3.40) are exempt because they are markers placed by a public agency to serve the public.

The applicant asserts that the exemptions under subsection (A)(5) apply to the remaining uses and improvements, and has addressed the SEC standards in the alternative.

Subsection (A)(5) provides an exemption for activities to “protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands.” The terms “protect, conserve, enhance, and maintain” all imply that the uses to which those terms apply have already been established. For example, a use can only be “maintained,” *i.e.*, continued, if the use already has been established. Although Metro suggests that some of the public recreational uses already are occurring at the Burlington Creek Forest unit, there are no existing County approvals for recreational uses on the site. Prior to Metro’s purchase, the site was privately owned and managed for timber production (page 5 of applicant’s narrative, Exhibit A.3.3). Subsection (5) does not apply to the proposed trails, parking, and related development. *The proposed forest management practices, information kiosk, and other signs and wayfinding markers are exempt from SEC review; the remaining uses, including recreational trails, bridges, boardwalk, parking area, and restroom, are subject to SEC review.*

<p><b>5.06</b></p>	<p><b>§ 33.4520 APPLICATION FOR SEC PERMIT</b></p> <p><b>An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4560 through 33.4575.</b></p> <p><b>(A) An application for an SEC permit shall include the following:</b></p> <p><b>(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4560 through 33.4575.</b></p> <p><b>(2) A map of the property showing:</b></p> <p><b>(a) Boundaries, dimensions, and size of the subject parcel;</b></p> <p><b>(b) Location and size of existing and proposed structures;</b></p> <p><b>(c) Contour lines and topographic features such as ravines or ridges;</b></p> <p><b>(d) Proposed fill, grading, site contouring or other landform changes;</b></p> <p><b>(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;</b></p> <p><b>(f) Location and width of existing and proposed roads, driveways, and service corridors.</b></p> <p><b>Applicant (page 55 of applicant’s narrative, Exhibit A.3.8):</b> <i>“Applicant has provided findings of consistency with the purposes of the applicable SEC districts and the applicable approval criteria supported by substantial evidence. Applicant has addressed the approval criteria for all of the designated resources on the property where they are impacted by proposed development. The application includes all required and applicable information. Exhibits 2, 4 and 19 [Exhibits A.3.18, A.3.20, and A.3.36]. This standard is met”</i></p> <p><b>Staff:</b> The application includes the above required information (Exhibits A.3.18, A.3.20, and A.3.36).</p>
<p><b>5.07</b></p>	<p><b>§ 33.4525 APPLICABLE APPROVAL CRITERIA</b></p>

**(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:**

<b>Zoning Designation</b>	<b>Approval Criteria (MCC#)</b>
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	Type I Permit – 33.4567 Type II Permit – 33.4570
SEC-s (streams)	33.4575

**(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro’s riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.**

**Applicant:**

*“The subject property contains areas designated SEC-h (wildlife habitat), SEC-v (scenic views), and SEC-s (streams). Although the use is exempt from SEC permitting, applicant alternatively demonstrates compliance with standards below.”*

**Staff:** The entirety of the Burlington Creek Forest site is located within the Significant Environmental Concern (SEC) for wildlife habitat (SEC-h) and for scenic views (SEC-v) (Exhibits B.62 and B.63). Additionally, the 300 feet on either side of Burlington Creek is within the SEC for streams (SEC-s); however, no new development is proposed within the SEC-s overlay.

Development in support of the proposed recreational trail system would include the trails themselves, seven bridges, a boardwalk, and a trailhead parking area with a restroom building and information kiosk, all within, and therefore subject to, the SEC-h and SEC-v overlays. As a result, the applicant must show compliance with the standards set forth in MCC 33.4565 (SEC-v) and MCC 33.4570 (SEC-h). As noted in Sections 5.25 through 5.31 below, the applicant cannot meet the Type 1 SEC-h development standards and therefore must meet the Type II SEC-h development standards in MCC 33.4570.

*Because there is no development proposed in the SEC-s overlay, the SEC-s criteria do not apply. All development proposed is within the SEC-v and SEC-h overlays, and those criteria therefore do apply.*

**5.08**

**(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.**

	<p><b>Applicant:</b>  <i>“Applicant addressed and demonstrates compliance with the criteria for SEC-h (wildlife habitat), SEC-v (scenic views), and SEC-s (streams) below. This standard is met.”</i></p> <p><b>Staff:</b> The applicant is proposing park uses within an area in the Burlington Creek Forest unit that has two protected resources: habitat and views. The applicant demonstrates compliance with the criteria for both the SEC-h and SEC-v below. No conflicting criteria are identified. No new development is proposed within the SEC-s overlay (trails within the SEC-s overlay are within the footprint of existing logging roads), and therefore the protected stream resource is not considered for purposes of this standard. <i>This standard is met.</i></p>
5.09	<p><b>(D) For protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.</b></p> <p><b>Applicant:</b>  <i>“Applicant addressed and demonstrates compliance with the approval criteria for SEC-s (streams) below. The location of the streams and potential impacts from planned trails were considered and analyzed to ensure that any alteration is compatible and supported by the natural environment and does not adversely impact any stream resources. This standard is met.”</i></p> <p><b>Staff:</b> No new development is proposed in the SEC-s overlay. The trails proposed within the SEC-s overlay are within the footprint of existing logging roads, and therefore qualify as “existing physical improvements to the property” which the County cannot require the applicant to remove or relocate pursuant to the SEC approval criteria. <i>The standard does not apply.</i></p>
5.10	<p><b>§ 33.4530 SEC PERMIT - REQUIRED FINDINGS</b></p> <p><b>A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 33.4560 through 33.4575.</b></p> <p><b>Applicant:</b>  <i>“Applicant addressed and demonstrates compliance with the criteria for SEC-h (wildlife habitat), SEC-v (scenic views), and SEC-s (streams) below. Applicant’s findings of compliance are supported by substantial evidence. This standard is met.”</i></p> <p><b>Staff:</b> The applicant has demonstrated compliance with the criteria for SEC-h (wildlife habitat), SEC-v (scenic views), as found in the sections 5.12 through 5.31 below. <i>This standard is met.</i></p>
5.11	<p><b>§ 33.4550 SCOPE OF CONDITIONS</b></p>

	<p><b>(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable criteria of MCC 33.4560 through 33.4575 and any other requirements specified in the Goal 5 protection program for the affected resource. Said conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting, timing of construction and related activities.</b></p> <p><b>(B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.</b></p> <p><b>Staff:</b> Conditions F.1 through F.4 are imposed in order to insure compliance with the applicable SEC approval criteria. Electrical power is proposed to the site (Exhibit A.26), so subsection (B) of this standard applies; approval of this SEC permit also authorizes the proposed extension of electrical power to the site to serve the proposed restroom building.</p>
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**SEC-v (Scenic Views)**

<b>5.12</b>	<p><b>§ 33.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS</b></p> <p><b>(A) Definitions:</b></p> <p><b>(1) Significant scenic resources</b> consist of those areas designated SEC-v on Multnomah County sectional zoning maps.</p> <p><b>(2) Identified Viewing Areas</b> are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:</p> <p><b>Bybee-Howell House</b></p> <p><b>Virginia Lakes</b></p> <p><b>Sauvie Island Wildlife Refuge</b></p> <p><b>Kelley Point Park</b></p> <p><b>Smith and Bybee Lakes</b></p> <p><b>Highway 30</b></p> <p><b>The Multnomah Channel</b></p> <p><b>The Willamette River</b></p> <p><b>Public roads on Sauvie Island</b></p>
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**(3) Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.**

**Applicant:**

*“The views of the North Tualatin Mountain range from Sauvie Island and the river basin below is deemed a significant resource. The subject property is identified as SEC-v on the County’s sectional zoning map. Although the use is exempt from SEC permitting, applicant demonstrates compliance with SEC-v standards below.”*

**Staff:** The definitions provide that all areas mapped SEC-v, as the Burlington Creek Forest unit is, are “significant scenic resources.” In addition, the definitions identify the Identified Viewing Areas (IVAs) – public areas that provide important views of a significant scenic resource – that are relevant to the SEC-v analysis. The structures listed in the table below are all located within the mapped SEC-v overlay, *i.e.*, within an area of significant scenic resources. (Exhibit B.62). The table indicates which structures are potentially topographically visible (visible if vegetation is removed) from the Identified Viewing Areas (IVAs). All of the proposed structures are potentially visible from two or more IVAs.

5.13

**(B) In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:**

**(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;**

**Applicant:**

*“The only structures are a small vault toilet and sign, whose materials and colors are both natural looking (natural tones of tans, browns, greens, and greys) and fire resistant. Applicant is also proposing a small section of retaining wall to minimize grading and grounds disturbances. The retain wall will be natural tones of grey or gabion baskets filled with rocks. The wall will have a maximum exposed height of 8 feet, and face downhill. The below image is similar in appearance to the toilet proposed. The toilet facility is well equipped to withstand both the typical weather and atypical storms of the region. The building meets or exceeds the effects of a seismic design category E earthquake, a 150-mph wind load, and a 350-pound per square foot snow load. With steel reinforced 5,000 psi concrete construction, the building and vaults will not rot, rust, or burn. Toilet specifications are included in Exhibit 11 [Exhibit A.3.28].”*

**(2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;**

**Applicant:**

*“Attached as Exhibit 20 [Exhibit A.3.37] is the site plan which depicts the location, elevation, and surrounding grades of the proposed toilet, sign and retaining wall. Exhibit 22 [Exhibit A.3.40]*

*includes additional information sign plans. The toilet and sign can be described as being located in a hollow – as it is downhill from the entrance grade on NW McNamee. Nothing is visible in the protected view shed. This standard is met”*

**(3) A list of identified viewing areas from which the proposed use would be visible; and,**

**Applicant:**

*“Identified viewing areas (areas from which one can see the Burlington Creek Forest) include those on Sauvie Island; Highway 30; the Multnomah Channel; the Willamette River; and [Exhibit A.3.55] public roads on Sauvie Island. The proposed use is not visible from protected viewing areas due to topography and landscape.”*

**(4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing are-as.**

**Applicant:**

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

*Attached as Exhibits 20 and 22 [A.3.37, and A.3.40] are the site plans which depict the location, elevation, and surrounding grades of the proposed improvements.*

*The access road entrance from NW McNamee is at the highest point, with the drive dropping in elevation as it winds through the forest to the parking lot location some 300 feet away. From there, trails disperse into the woods in a controlled fashion.*

*The toilet and information sign can be described as being located in a hollow – as they are downhill from the entrance grade on NW McNamee. Nothing proposed is visible from the protected view shed.*

*The small structures are natural colors (tans, browns, greens, and greys) and are typical of a forested park setting, as they blend into the surroundings. The toilet roof line is at 11.5 feet high, with the vent extending to 15 feet. All other uses are at ground level.*

*The developed parking area is surrounded by forest. This is resource land and will remain and be managed as resource land with the goal of promoting an “old growth” setting, further buffering the surroundings. This standard is met.”*

**Staff:** The applicant has provided details on the height, shape, colors, outdoor lighting and materials for the proposed restroom building, kiosk, bridges, and boardwalk (Exhibits A.3.28, A.3.55, A.9, A.20).

**5.14 (C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate.**

**Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:**

**Applicant:**

*“Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings. Attached as Exhibits 20 and 22 [Exhibit A.3.37 and A.3.40] are the site plans which depict the location, elevation, and surrounding grades of the proposed improvements.*

*The access road entrance from NW McNamee is at the highest point, with the drive dropping in elevation as it winds through the forest to the parking lot location some 300 feet away. From there, trails disperse into the woods in a controlled fashion.*

*The toilet can be described as being located in a hollow – as it is downhill from the entrance grade on NW McNamee. It is not visible in the protected view shed.*

*The toilet is natural color and its type is typical of a forested park setting, as it blends into the surroundings. The roof line is at 11.5 feet high, with the vent extending to 15 feet. All other uses are at ground level.*

*The developed parking area is surrounded by forest. This is resource land and will remain and be managed as resource land with the goal of promoting an “old growth” setting, further buffering the surroundings.*

*This standard is met.”*

**Staff:** This standard requires any portion of a proposed development that will be visible from an identified viewing area (IVA) to be visually subordinate, meaning the development does not noticeably contrast with the surrounding landscape, as viewed from an IVA, and is not visually dominant.

As shown in the table below, all of the proposed development is potentially visible from at least two IVAs. The County’s GIS system shows areas that are visible if all vegetation is removed by either forest practices, fire, or disease. If a given location is mapped as visible then it is considered visible for the purposes of the SEC-v standards. In addition to the proposed structures (listed in the table in Section 5.12 above), selective tree removal is proposed in order to facilitate the parking area development and new trails. The access road is existing and at any rate is visually subordinate because it is level with terrain. As noted in Section 5.05, proposed forest management practices, information kiosk, and other signs and wayfinding markers are exempt from SEC review.

		Identified Viewing Areas (IVA's)								
		Bybee-Howell House	Virginia Lakes	Sauvie Island Wildlife Refuge	Kelley Point Park	Smith and Bybee Lakes	High-way 30	Mult-nomah Channel	Willamette River	Public roads on Sauvie Island
<b>Structure</b>	Restroom Ex. A.3.37	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Entry Gate Ex. A.3.37	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Kiosk Ex. A.3.37	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Retaining Wall Ex. A.3.37	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Boardwalk Ex. A.3.40	Yes		Yes	Yes			Yes	Yes	Yes
	Bridge 1 Ex. A.3.40	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Bridge 2 Ex. A.3.40			Yes	Yes			Yes	Yes	Yes
	Bridge 3 Ex. A.3.40			Yes						Yes
	Bridge 4 Ex. A.3.40	Yes		Yes	Yes			Yes	Yes	Yes
	Bridge 5 Ex. A.3.40				Yes					Yes
	Bridge 6 Ex. A.3.40	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes
	Bridge 7 Ex. A.3.40		Yes	Yes			Yes	Yes		

**Staff (continued):** In order to ensure compliance with Scenic View criteria of MCC 33.4565, Condition E.3 requires vegetative screening to be retained to the maximum extent possible around the parking area, restroom building, and information kiosk while also meeting the fire safety zone requirements of MCC 33.2056. *As conditioned, this standard is met.*

**5.15 (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.**

**Applicant:**

*“As demonstrated by this narrative, figures, maps, and plans, applicant has sited the parking area where the topography permits, which is also a location where topography and existing vegetation screens the toilet and ground level uses from the identified viewing areas. Exhibits 2, 5, 10, 20 and 22 [Exhibits A.3.18, A.3.22, A.3.27, A.3.37, and A.3.40]. This standard is met.”*

**Staff:** All of the proposed structures listed in the table in Section 5.12 are topographically visible, however the tree canopy, even after the selected thinning for the fire safety zone, will completely obscure the structures as viewed from identified viewing areas. *The standard is met.*

**5.16 (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.**

	<p><b>Applicant</b> (Exhibit A.3): <i>“Proposed materials and colors are both natural looking, non-reflective, and natural colors of browns, tans, and greys. The toilet and building materials depicted in Figure 12 are similar to the toilet proposed. Exhibit 11 [Exhibit A.3.28]. This standard is met.”</i></p> <p><b>Applicant</b> (in a response letter addressing metal roofing on proposed information kiosk dated June 8, 2018, Exhibit A.9):</p> <p><b>“Metal Roofing.</b> <i>No standard expressly prohibits metal roofing. The standard most likely implicated is:</i></p> <p style="padding-left: 40px;"><i>(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include: ...</i></p> <p style="padding-left: 80px;"><i>(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.</i></p> <p><i>Under this standard, the requirement to achieve visual subordination first requires a finding that the structure is visible from an identified viewing area. Applicant proposes the structure in a location that is not visible from an identified viewing area. As such, there is no requirement to be visually subordinate.</i></p> <p><i>Secondly, metal roof material is not necessarily reflective or otherwise visually insubordinate. Certain metal types and finishes can assure that, even if the metal roof was viewable from a view area, that it would be visually subordinate. Metal is also proposed because it is non-flammable. Applicant requests a condition of approval to ensure compliance that states: If a metal roof becomes visible from an identified viewing area, that it be made visually subordinate and constitute a low reflective building material.</i></p> <p><b>Earth Tone Colors.</b> <i>As above, this standard requires first a finding that the structure be visible from an identified viewing area. Applicant proposes the structure in a location that is not visible from an identified viewing area. As such, there is no requirement to be visually subordinate.</i></p> <p><i>Applicant also proposes earth tone colors. Applicant proposes a brownish/tannish earth tone color for the vault toilet, which is the same color palette used and approved along the Sandy River Scenic Corridor. If the County interprets this standard to require darker earth tones, that are browner or greyer than proposed, applicant can adjust the color to be darker. A condition of approval can ensure compliance if necessary.”</i></p> <p><b>Staff:</b> <i>The applicant is not proposing reflective materials on any of the structures except for the metal roof material on the information kiosk, which is an exempt structure (Exhibit A.10). Condition F.2 requires the use of dark earth-tone colors on all structures, which the applicant is proposing to do. As conditioned, the standard is met.</i></p>
<p><b>5.17</b></p>	<p><b>(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.</b></p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“Installed lighting will be directed downward, and sited, hooded, and shielded. Even if</i></p>

*installed, lighting will not be visible from the identified viewing areas as the parking area site is shielded by a coniferous forest that will provide year round screening. The requirement to shield or otherwise direct light downward can be made a condition of approval to ensure compliance.”*

**Applicant** (in a response letter addressing lighting on the proposed restroom building, dated June 8, 2018, Exhibit A.9):

*“The application narrative included information concerning the lighting proposed. Applicant provides an additional orientation site plan (Exhibit 1 [Exhibit A.3.17], Sheet 3). Lighting will be mounted on the south/southwest-side of the vault toilet structure and will not be visible from any location off site or downslope. Compliance with the dark skies standard can be made a condition of approval to ensure compliance.”*

**Staff:** The applicant is proposing an exterior light on the restroom building (located on the south side of the building facing away from the IVAs.

Condition I.2 requires that the light fixture be completely hooded (so that no part of the light fixture extends below the opaque shielding) and directed downward to primarily illuminate the area adjacent to the doorway. *As conditioned, the standard is met.*

5.18

**(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.**

**Applicant:**

*“Attached at Exhibit 20 [Exhibit A.3.37] is the site plan which depicts the location, elevation, and surrounding grades of the proposed improvements. The access road entrance from NW McNamee is at the highest point, with the drive dropping in elevation as it winds through the forest to the parking lot location some 300 feet away. From there, trails disperse into the woods in a controlled fashion.*

*The toilet can be described as being located in a hollow – as it is downhill from the entrance grade on NW McNamee. It is not visible in the protected view shed.*

*The toilet is natural color and its type is typical of a forested park setting, as it blends into the surroundings. The roof line is at 11.5 feet high, with the vent extending to 15 feet. All other uses are at ground level.*

*The developed parking area is surrounded by coniferous forest and will visually buffer the toilet structure year round. This is resource land and will remain and be managed as resource land with the goal of promoting an “old growth” setting, further buffering the surroundings.*

*This standard is met.”*

**Staff:** All proposed structures will be screened by existing vegetation, which will consist of coniferous forest that will provide winter screening. The forest canopy will be primarily retained even after required thinning (require due to meeting the fire safety zone standards). Condition E.3

	<p>requires the maintenance and replanting of trees that will remain after the fire safety zone is implemented. <i>As conditioned, the standard is met.</i></p>
<p><b>5.19</b></p>	<p><b>(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.</b></p> <p><b>Applicant:</b></p> <p><i>“Metro employs a science based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research, and by using external experts to evaluate possible impacts of potential access opportunities. Metro scientists then work with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area.</i></p> <p><i>The process identified suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.</i></p> <p><i>The plan’s goals include: Protecting fish and wildlife habitat and water quality while providing opportunities for meaningful experiences of nature in a safe, controlled, and sustainable manner.</i></p> <p><i>The visitor access and parking area improvements are designed to blend with the forest environment. The parking area represents a compact, efficient and effective use of land, providing adequate parking and sufficient amenities to serve the use, while limiting impacts on the surround landscape. They are simple and functional. The proposed access improvements and alterations will utilize existing cleared areas. A vault toilet, information sign, and small retaining wall is proposed, whose materials and colors are both natural looking and fire resistant.</i></p> <p><i>The landscaping will be native and consistent with the native environs. Temporary disturbance areas will incorporate native planting and restoration seeding.</i></p> <p><i>Each element of the plan effectively, efficiently, and attractively serves its function.</i></p> <p><i>Overall the proposed access road, toilet facility, and parking area will have a minor impact on the natural grade and landscaping of the area. The grade, which is generally flat where disturbed, will be slightly altered to accommodate the use of a retaining wall proposed to lessen fill. The parking area is in an area that is not identified as a landslide hazard. The existing access drive will be resurfaced to prevent dust and provide a safe travel surface.</i></p> <p><i>As described above, the proposed access improvements have been carefully studied, considered, and planned by scientists, landscape architects, independent consultants, stakeholders, and members of the public, to name just a few. They are carefully sited to minimize the impact to the natural resources and existing upland forest.</i></p> <p><i>Tree removal is proposed notwithstanding the great care that was taken to site these improvements. The area to be cleared to support the parking area improvements is only approximately .05 acres. In this area, 12 trees with DBH ranging from 10-15 inches would be removed. Additional trees will be pruned or cut to ensure sight distance/vision clearance standards are met at the access point. Exhibit 20 [Exhibit A.3.37].</i></p>

	<p><i>The interests considered during the siting process were 1) preservation of natural resources and habitat areas; 2) user considerations (convenience, privacy, safety, aesthetics, etc.); 3) operational issues (efficiency and costs); and 4) site feasibility considerations (grade).</i></p> <p><i>The desired future condition is to have visitors feel like they are recreating in the wilderness.</i></p> <p><i>The design presented for land use approval:</i></p> <ul style="list-style-type: none"> <li>• <i>Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;</i></li> <li>• <i>Integrates community and partner suggestions;</i></li> <li>• <i>Identifies and accesses the best location for day use and trail heads;</i></li> <li>• <i>Utilizes existing roads and locates new trails to avoid and minimize impacts to sensitive natural resource areas;</i></li> <li>• <i>Employs sustainable trail design and construction techniques;</i></li> <li>• <i>Provides safe ingress and egress and internal movement of vehicles and pedestrians; and</i></li> <li>• <i>Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports.</i></li> </ul> <p><i>This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs and adopts the applicant’s findings above. The proposed land form modification is to the proposed parking area, and to the area of NW McNamee Road across from the road access point. This regrading is essentially a widening of the existing road grade where necessary. The proposed structures in the parking area will be nestled upon the existing grade and will utilize earth tone colors. Condition E.3 requires retaining required vegetation and the Condition F.2 requires the use of dark earth tone colors. The proposed stream crossings will utilize existing topography. <i>As conditioned, the standard is met.</i></p>
<p><b>5.20</b></p>	<p><b>(6) Limiting structure height to remain below the surrounding forest canopy level.</b></p> <p><b>Applicant:</b></p> <p><i>“The proposed toilet’s roof line is at 11.5 feet high, with the vent extending to 15 feet. All other uses are at ground level. Every use is below the surrounding forest canopy. Exhibits 11, 19 and 20 [Exhibits A.3.28, A.3.36 and A.3.37].”</i></p> <p><b>Staff:</b> The proposed restroom building will be 11.5 feet high, with the vent extending to 15 feet (Exhibit A.3.28) and the information kiosk will be 9 feet tall measured to the roof peak (Kiosk specifications, Exhibit A.3.40). The proposed bridges will have railings extending 4.5 feet taller than the bridge deck (Bridge specifications, Exhibit A.3.40). All structures will remain well below the height of the surrounding forest canopy. Condition C.1 requires that all structures remain below the forest canopy. <i>As conditioned the standard is met.</i></p>
<p><b>5.21</b></p>	<p><b>(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:</b></p> <p>***</p>

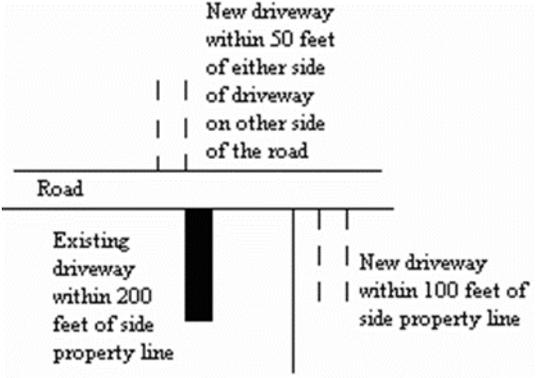
	<p><b>[Staff Note:</b> None of the listed exceptions apply]</p> <p><b>Applicant:</b></p> <p><i>“Attached at Exhibit 20 [Exhibit A.3.37] is the site plan which depicts the location, elevation, and surrounding grades of the proposed improvements.</i></p> <p><i>The access road entrance from NW McNamee is at the highest point, with the drive dropping in elevation as it winds through the forest to the parking lot location some 300 feet away. From there, trails disperse into the woods in a controlled fashion.</i></p> <p><i>The toilet can be described as being located in a hollow – as it is downhill from the entrance grade on NW McNamee. It is not located on a bluff or ridge, nor is it visible in the protected view shed.</i></p> <p><i>The toilet is natural color and its type is typical of a forested park setting, as it blends into the surroundings. The roof line is at 11.5 feet high, with the vent extending to 15 feet. All other uses are at ground level.</i></p> <p><i>The development area is surrounded by forest. This is resource land and will remain and be managed as resource land with the goal of promoting an “old growth” setting, further buffering the surroundings.</i></p> <p><i>This standard is met.”</i></p> <p><b>Staff:</b> The site plan (Exhibit A.3.37) indicates that the proposed trailhead developments will be at a lower elevation than the access road entrance from NW McNamee road.</p> <p>The structures will be situated so that no ‘sky lining’ will occur and topography extends upslope from the development as seen from IVAs. <i>The standard is met.</i></p>
5.22	<p><b>(E) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 33.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.</b></p> <p><b>Staff:</b> Conditions E.3 and F.2 are imposed in order to insure compliance with the SEC-v standards. These conditions are reasonable and proportionate in order to make the development visually subordinate.</p>

**SEC-h (Habitat)**

5.23	<p><b>§ 33.4567 SEC-H CLEAR AND OBJECTIVE STANDARDS</b></p> <p><b>At the time of submittal, the applicant shall provide the application materials listed in MCC 33.4520(A) and 33.4570(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in 33.4570(B)(1) through (4)(a)-(c) and (B)(5)</b></p>
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	<p><b>through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 33.4570 may be submitted.</b></p> <p><b>Applicant:</b> <i>“The subject application includes all the materials listed in MCC 33.4520(A) through .4570(A). Although the recreational improvements are exempt from SEC permitting, in the alternative Metro demonstrates compliance with the SEC-h permit standards of MCC 33.4570 below.”</i></p> <p><b>Staff:</b> The purpose of MCC 33.4567 is to provide an option for a Type 1 (clear and objective standards) SEC-h review if the proposed development meets the standards in MCC 33.4570 (B)(1) through (4)(a)-(c) and (B)(5) through (7). As explained in Sections 5.25 through 5.31 below, the applicant has not demonstrated compliance with all of the clear and objective standards nor has the applicant requested a Type 1 SEC-h review. Where an applicant cannot meet the clear and objective standards in MCC 33.4570(B), the applicant may instead propose a wildlife conservation plan under MCC 33.4570(C). As discussed in Section 5.32 to 5.34 below, the applicant has proposed a wildlife conservation plan under MCC 33.4570(C).</p>
<p><b>5.24</b></p>	<p><b>§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT</b></p> <p><b>(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:</b></p> <p><b>(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;</b></p> <p><b>For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.</b></p> <p><b>(2) Location of existing and proposed structures;</b></p> <p><b>(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;</b></p> <p><b>(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.</b></p>

	<p><b>Applicant:</b> <i>“The application maps, narrative figures, drawings and aerial photos include all the required information. This standard is met.”</i></p> <p><b>Staff:</b> The applicant has provided site plans showing existing forest roads, forested areas and cleared areas, the locations of proposed structures, and public roads (Exhibits A.3.18, A.3.20, and A.3.36). Adjacent properties are shown on Exhibit A.3.44. No fences are proposed.</p>
5.25	<p><b>(B) Development standards:</b></p> <p><b>(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.</b></p> <p><b>Applicant:</b></p> <p><i>“Applicant has directed the access drive and parking area to the existing forest practices road and existing cleared area adjacent to the existing road. That area is the only topographically viable location for the parking area. Applicant is only proposing to clear 0.05 acres as necessary for access, fire safety, and to support the use. This standard is met. However, to avoid any issue concerning the satisfaction of this standard and to further demonstrate that the proposal does not adversely impact wildlife habitat, Metro has prepared a Wildlife Conservation Plan pursuant to the SEC-h permit standards below.”</i></p> <p><b>Staff:</b> Much of the development and the new trails in particular will not be located in non-forested cleared areas as defined in MCC 33.4570(A)(1). Tree removal (removal of 12 trees) will be required in both the proposed parking area and to a lesser extent for the new trails (Exhibit A.26). This standard is not met. Because the applicant cannot meet all of the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as is allowed in subsection (C) (Section 5.32 below).</p>
5.26	<p><b>(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.</b></p> <p><b>Applicant:</b></p> <p><i>“The proposed parking lot is further than 200 feet from McNamee, a county road. However, the parking lot is taking access off an access way, owned and controlled by Metro, a public entity. Therefore, technically the road is a public road (although not dedicated to Multnomah County) as compared to a private road (which is not owned by a governmental entity). Of note, this interpretation of “public road” was adopted by the County in case file T3-2015-3903 – meaning roads owned and operated by Metro – such as that at Oxbow Park for example – are public roads within the meaning of this standard. However, to avoid any issue concerning the satisfaction of this standard and to further demonstrate that the proposal does not adversely impact wildlife habitat, Metro has prepared a Wildlife Conservation Plan pursuant to the SEC-h permit standards below.”</i></p> <p><b>Staff:</b> The proposed parking area is within 200 feet of a public road given that several unimproved rights-of-way exist in the Burlington Creek Forest including one that currently transects the proposed location of the parking area. However, several of the new trails, which count as development, will be located beyond 200 feet from a public road (Exhibit B.87). This standard is</p>

	<p>not met. Because the applicant cannot meet all of the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.</p>
<p><b>5.27</b></p>	<p><b>(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.</b></p> <p><b>Applicant:</b>  <i>“The access road serving the parking lot is approximately 350 feet in length and less than the 500 foot standard. Exhibit 20. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs, the driveway serving the site is approximately 350 in length and this standard is met; however, because the applicant cannot meet all of the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.</p>
<p><b>5.28</b></p>	<p><b>(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:</b></p> <p><b>(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or</b></p> <p><b>(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.</b></p> <p><b>(c) Diagram showing the standards in (a) and (b) above.</b></p>  <p><b>For illustrative purposes only.</b></p>

**(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County “Design and Construction Manual,” adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).**

**1. The modification shall be the minimum necessary to allow safe access onto the public road.**

**2. The County Road Official shall provide written findings supporting the modification.**

**Applicant:**

*“(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:*

*(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or*

*(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.*

*(c) Diagram showing the standards in (a) and (b) above. For illustrative purposes only.*

*(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County “Design and Construction Manual,” adopted June 20, 2000, (or all updated versions of the manual).*

*This standard is not applicable or otherwise satisfied.”*

**Staff:** There are no other nearby driveways for the purposes of clustering. The existing driveway meets the standard. Because the applicant cannot meet all of the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.

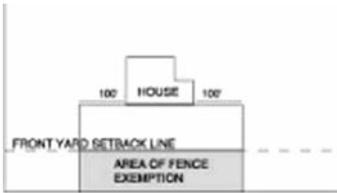
**5.29**

**(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.**

**Applicant:**

*“This standard cannot be applied to a recreational use in a forested environment. There are aspects of the use that are within 300 feet of the side property line of adjacent property to the east. However, to avoid any issue concerning the satisfaction of this standard and to further demonstrate that the proposal does not adversely impact wildlife habitat, Metro has prepared a Wildlife Conservation Plan pursuant to the subsection (C) SEC-h permit standards below.”*

**Staff:** The standard can be applied to development such as parking areas and trails. The development is only partially located within 300 feet of the eastern property line, but not entirely

	<p>so. Because, the standard cannot be met, the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.</p>
<p><b>5.30</b></p>	<p><b>(6) Fencing within a required setback from a public road shall meet the following criteria:</b></p> <p><b>(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.</b></p> <p><b>(b) Wood and wire fences are permit-ted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.</b></p> <p><b>(c) Cyclone, woven wire, and chain link fences are prohibited.</b></p> <p><b>(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.</b></p> <p><b>(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.</b></p> <p><b>FIGURE 33.4570A FENCE EXEMPTION AREA</b></p>  <p><b>(f) Fencing standards do not apply where needed for security of utility facilities.</b></p> <p><b>Applicant:</b>  <i>“Applicant is not proposing fencing in a required setback from a public road. This standard is not applicable or otherwise met.”</i></p> <p><b>Staff:</b> No fencing is proposed; therefore, the standard is met. However, because the applicant cannot meet all of the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.</p>
<p><b>5.31</b></p>	<p><b>(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:</b></p>

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<b>Scientific Name</b>	<b>Common Name</b>

	<i>Loentodon autumnalis</i>	Fall Dandelion
	<i>Lythrum salicaria</i>	Purple Loosestrife
	<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
	<i>Phalaris arundinacea</i>	Reed Canary grass
	<i>Poa annua</i>	Annual Bluegrass
	<i>Polygonum coccineum</i>	Swamp Smartweed
	<i>Polygonum convolvulus</i>	Climbing Binaweed
	<i>Polygonum sachalinense</i>	Giant Knotweed
	<i>Prunus laurocerasus</i>	English, Portugese Laurel
	<i>Rhus diversiloba</i>	Poison Oak
	<i>Rubus discolor</i>	Himalayan Blackberry
	<i>Rubus laciniatus</i>	Evergreen Blackberry
	<i>Senecio jacobaea</i>	Tansy Ragwort
	<i>Solanum dulcamara</i>	Blue Bindweed
	<i>Solanum nigrum</i>	Garden Nightshade
	<i>Solanum sarrachoides</i>	Hairy Nightshade
	<i>Taraxacum officinale</i>	Common Dandelion
	<i>Utricularia vulgaris</i>	Common Bladderwort
	<i>Urtica dioica</i>	Stinging Nettle
	<i>Vinca major</i>	Periwinkle (large leaf)
	<i>Vinca minor</i>	Periwinkle (small leaf)
	<i>Xanthium spinosum</i>	Spiny Cocklebur
	<i>various genera</i>	Bamboo sp.

**Applicant:**

*“Applicant is not proposing nuisance plants. Applicant is and will continue to remove nuisance plants from the forest as a land management and restoration exercise. This standard is not applicable or otherwise met.”*

**Staff:** The applicant does not propose planting any of the listed nuisance plants and commits to removing them as part of their land management and restoration efforts. Because the applicant cannot meet the standards in subsection (B), the applicant has alternatively, prepared the Wildlife Conservation Plan as indicated subsection (C) below.

5.32

**(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

**(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**

**(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).**

**(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:**

**(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**

**(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.**

**(c) That no fencing will be built and existing fencing will be removed out-side of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

**(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.**

**(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

**Applicant** (Exhibit A.3): *“Although the recreational improvements are exempt from the SEC permit and mitigation standards, applicant demonstrates compliance with SEC-h permit subsections (C)(1) and (3) to confirm that the proposal does not adversely impact wildlife habitat. The SEC-h worksheets were prepared by Siskiyou BioSurvey biologists and respond to each of the § 33.4570 (C)(1) and (3) criteria. Exhibit 19 [Exhibit A.3.36]. The worksheets include a wildlife conservation plan that demonstrates the above standards are met. Also attached is a SEC mitigation planting plan depicting over 2,803 square feet of planting to mitigate for the 0.05 acre parking area disturbance. Exhibit 23 [Exhibit A.3.41]. This standard is met.”*

**Applicant** (in a response letter addressing the revegetation ratio, dated August 27, 2018, Exhibit A.14):

*“Applicant approaches the response to § 33.4570 SEC-h permit criteria in two alternative ways. First, applicant demonstrates that recreational improvements, and at a minimum the trails, are exempt from the SEC permit and mitigation standards. Please see the application narrative submission.*

*If applicant’s proposed use is not exempt from the SEC standards, alternatively, applicant demonstrates compliance with § 33.4570(C)(3), through the required Wildlife Conservation Plan worksheets and proposed revegetation of existing cleared areas on the property at a 2:1 ratio. Attached to Exhibit 23 [Exhibit A.3.41] of the narrative submission is a preliminary mitigation planting plan depicting over 2,803 square feet of planting to mitigate for the 0.05 acre parking area disturbance.*

*Please note, applicant’s final plans submitted for review and approval will depict the precise square feet of disturbance and the resulting 2:1 revegetation area to mitigate for disturbances.*

*If applicant’s proposed use is not exempt from the SEC standards, applicant requests a condition of approval to ensure compliance with the 2:1 revegetation standard.”*

**Staff:** This standard requires an applicant to propose a wildlife conservation plan when, as relevant here, the applicant cannot meet the clear and objective development standards of subsection (B) due to physical characteristics unique to the property. MCC 33.4570(C)(1). The applicant cannot meet all of the development standards in subsection (B) because of physical characteristics of the site that eliminate the possibility of locating the improvements to within 200 feet of a road. Development will be located outside of existing cleared areas as noted in the finding in Section 5.25 above. The applicant has proposed a Wildlife Conservation Plan under subsection C(1) and (3), prepared by John Vilella, Senior Botanist for Siskiyou BioSurvey (Exhibit A.3.36).

Subsections C(3)(a) and (b) provide that impacts to forested areas should be the minimum necessary to serve the development and that any newly cleared area must be one acre or less. The proposal meets the standards in subsection C(3)(a) and (b) above because the amount of clearing is

	<p>the minimum needed in order to facilitate a 25-car parking area and new trails. Clearing will amount to 0.05 acres for the parking area where 12 trees are proposed to be removed. Only the disturbance adjacent to the parking area meets the definition of “clearing,” requiring mitigation, which is far less than the one acre maximum (page 8 of Exhibit A.3.36). The parking area is sized to for a 25 car parking area because it contains parking spaces that meet the minimum width for parking spaces and required backing area as further discussed in Section 9.00 of this report.</p> <p>Subsection C(3)(c) requires that no fencing be built; no fencing is proposed. In addition, subsection C(3)(c) requires that existing fencing be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes; there is no existing fencing in the Burlington Creek Forest unit.</p> <p>Subsection C(3)(d) provides for revegetation of existing cleared areas at a 2:1 ratio with newly cleared areas. The applicant’s proposal to increase the overall vegetative density by a 2:1 ratio best meets the standard because, as the applicant points out, the area below the power lines are cleared, but not available for additional trees. Most of the Burlington Creek Forest unit is heavily forested. Existing cleared areas are limited to existing roads and power line easements. Exiting roads are not eligible for revegetation mitigation areas and power line easement areas may be available to plant low growing native shrubs. The applicant proposes to plant 7,000 native plants as part of restoration efforts (page 9 of Exhibit A.3.36); to insure that the planting effort will meet the 2:1 threshold required in (3)(d) above, so Condition F.1 requires the applicant to clearly demonstrate that revegetation will result in a net 2:1 gain in native vegetation, indicate the number trees and shrubs to be removed associated with the trails and development areas, the proposed locations for all new plantings and the plan for the long term maintenance and survival of the new plantings.</p> <p>There will be no new development in the SEC-s area, so subsection C(3)(e) does not apply. <i>As conditioned, the standard is met.</i></p>
<p><b>5.33</b></p>	<p><b>(4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:</b></p> <p><b>Applicant:</b>  <i>“This standard is not applicable. Applicant is not proposing an “addition.”</i></p> <p><b>Staff:</b> Although the property meets subsection (C)(1), the applicant has provided a wildlife conservation plan under subsection (C)(3) rather than using the alternative mitigation measures provided in subsection (C)(4). <i>This standard is not applicable.</i></p>
<p><b>5.34</b></p>	<p><b>(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:</b></p> <p><b>Applicant:</b>  <i>“Applicant has demonstrated that the recreational improvements are exempt from the SEC permit and mitigation standards. In the alternative, applicant has also demonstrated compliance with SEC-h permit subsection (C)(3) above. This subsection (5) standard is not applicable.”</i></p>

**Staff:** The applicant has submitted a wildlife conservation plan that demonstrates satisfaction of the criteria under subsection (C)(3), with conditions. *This standard is not applicable.*

## 6.00 Hillside Development Permit

### 6.01 § 33.5505 PERMITS REQUIRED

**Hillside Development Permit:** All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

**Applicant:** *"The property includes hazard areas as identified on the Slope Hazard Map. Applicant requests a Hillside Development Permit. This standard is met."*

**Applicant** (in a response letter addressing Additional Grading & PGE property, dated April 15, 2019, Exhibit A.23): *"Metro proposes excavation of slopes along NW McNamee that is intended to improve sight distance associated with project access. Applicant previously provided a narrative, geotechnical analysis, and civil drawings addressing proposed sight distance improvements and requirements based on the 85th percentile analysis. To aid in review, the County Transportation Department requested that Metro perform a sight distance analysis based on the 85th percentile speed plus 5 mph. While the County's request results in an increase in sight distance, it also increases the area of disturbance. To reflect those increases, County planning staff requested that the geotechnical analysis and civil drawings be updated to include the additional area of disturbance. Below, applicant addresses the Hillside Development Permit standards, as they relate to excavation associated with improving sight distance. This narrative and information are intended to supplement and not replace the narrative and information which address Hillside Development Permit standards for the remainder of the project."*

**Staff:** The Burlington Creek Forest unit includes several areas within the Slope Hazard overlay including existing and proposed trail areas (Exhibit B.62). New trail areas and the proposed sight-distance related grading on the west side on NW McNamee Road are new development (Exhibit A.23) within the overlay and are therefore subject to the Hillside Development standards. Areas where development, construction or site clearing with average slopes equal to and greater than 25 percent area also subject to the Hillside Development Standards. As shown on Exhibit B.62 new trails are primarily located within areas mapped as Hillside Development and/or within areas with slopes of 25 percent or greater. The proposed parking area is located outside of both the Hillside Development overlay and slopes of 25 percent or greater. The area across NW McNamee Road that will be subject to regrading for site distance improvements is located within the Hillside Development overlay and contains average slopes 25 percent or greater. The applicant has not asserted that any of the exemptions in MCC 33.5510 apply, and staff has not identified any applicable exemptions.

### 6.02 § 33.5515 APPLICATION INFORMATION REQUIRED

**An application for development subject to the requirements of this subdistrict shall include the following:**

**(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.**

**Applicant** (Exhibit A.3):

*“Maps and site plans include the above required information. Exhibits 20 and 22 [Exhibits A.3.37, and A.3.40]. Twelve trees are proposed for removal to accommodate the parking area improvement. Additional trees are proposed to be removed or pruned to ensure sight distance/vision clearance standards are met. This standard is met. Exhibit 20 [Exhibit A.3.37].”*

**Applicant** (in a response letter addressing Additional Grading & PGE property, dated April 15, 2019, Exhibit A.23): *“The attached revised civil drawings include the required information. Exhibits 2 and 3 [Exhibits A.3.18 and A.3.19]. The maps identify trees proposed to be removed or pruned to ensure sight distance/vision clearance standards are met. This standard is met.”*

**Staff:** The applicant’s plans (Exhibit A.3.37), Geotechnical Report (Exhibit A.3.18), and supplemental plans for sight-distance grading (Exhibits A.23.1 and A.23.2) provide the information required by this standard. *The standard is met.*

**6.03**

**(B) An estimate of depths and the extent and location of all proposed cuts and fills.**

**Applicant:**

*“There are four areas that will require fills or grading. A 6 x 20 foot area will be graded near the beginning of the access road, this will be south of the access drive. This grading activity will be to smooth out a slope and to construct a ditch along the road. Three additional grading areas are associated with the parking lot; an area of 25 x 30 foot area to the northwest of the toilet; an area of 20 x 50 at the northeast corner of the parking lot; and an area of approximately 20 x 175 feet along the southern edge of the parking area. The final area to be graded is 30 x 200 feet, located along McNamee Road for site distance improvements. Exhibit 20 [Exhibit A.3.37].*

*The trail system will be natural surface trails designated for uses such as shared hiking/off-road cycling, or hiking only. Eight stream crossings (not SEC resources) will be constructed along various trails, including several bridge structures and possibly one boardwalk. Exhibit 22 [Exhibit A.3.40]. The footprint for these structures is as follows: the bridge structure is 90 square feet, and there are two crossings of 120 square feet, one at 80 square feet, one at 160 square feet, one at 150 square feet, one at 180 square feet, and one crossing at 60 square feet. Most bridges are designed to be six feet wide. Two bridges are planned to be four feet wide and are associated with the narrower hiking only trail or the most remote trail. None of these crossings will alter a watercourse.*

*The majority of this development will take place in already cleared areas, such as in the power line right of way and a cleared area near the existing roads. Trail construction including bridges and*

	<p><i>other crossings in forested areas will not result in conversion from “forested areas” to “cleared areas” as defined by MCC Section 33.4570. Forested areas traversed by the proposed natural surface trails will maintain at least 75% crown closure and/or at least 80 square feet of basal area per acre of trees of 11 inch DBH or larger. Exhibit 19 [Exhibit A.3.36].</i></p> <p><i>Total land clearance within currently forested areas associated with the parking area will be approximately .05 acres. Exhibit 20 [Exhibit A.3.37].”</i></p> <p><b>Applicant</b> (in a response letter addressing Additional Grading &amp; PGE property, dated April 15, 2019, Exhibit A.23): <i>“As represented in the attached geotechnical report and civil drawings, cuts of up to eight feet and fill of up to six feet may be associated with excavation required to meet sight distance improvements based on the 85th percentile speed plus 5 mph. The extent and location of the work area is depicted in the drawings. Exhibits 1-3 [Exhibits A.3.17, A.3.18, and A.3.19]. In conjunction with obtaining final development permits, applicant will be applying for and obtaining a grading and erosion control permit that will finalize depths and amounts of removal and fill.”</i></p> <p><b>Staff:</b> The applicant has submitted the required information (Exhibit A.3.18).</p>
<p><b>6.04</b></p>	<p><b>(C) The location of planned and existing sanitary drainfields and drywells.</b></p> <p><b>Applicant:</b></p> <p><i>“There are no existing or planned sanitary drainfields. Applicant is proposing to accommodate stormwater generated from the parking facility. The attached stormwater report analyzes the effects that the proposed improvements will have on the site’s existing storm drainage and documents the criteria, methodology, and information resources used to design the proposed storm drainage system. Exhibit 4 [Exhibit A.3.20]. Also included are the results of the preliminary hydraulic analysis. Exhibit 4 [Exhibit A.3.20]. Applicant proposes an underground detention system with flow control manholes with controlled outfall to an existing ditch that conveys the water on-site. Exhibits 4 and 20 [Exhibits A.3.20 and A.3.37]. Waste material associated with the toilet will be collected in an underground vault and will be disposed of off-site as needed.”</i></p> <p><b>Staff:</b> The applicant has submitted the required information (Exhibit A.3.20). <i>This standard is met.</i></p>
<p><b>6.05</b></p>	<p><b>(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.</b></p> <p><b>Applicant:</b></p> <p><i>“Included in Exhibit 20 [Exhibit A.3.37] is the preliminary grading and erosion control plan. Also enclosed is a storm water report (Exhibit 4 [Exhibit A.3.20]), geotechnical report (Exhibit 2 [Exhibit A.3.18]), and mitigation planting plan (Exhibit 23 [Exhibit A.3.41]), all of which include the required information. This standard is met.”</i></p>

	<p><b>Staff:</b> The applicant has provided a grading and erosion control plan (Exhibit A.3.37), a stormwater report (Exhibit A.3.20) and a geotechnical report (Exhibit A.3.18). The applicant has provided a preliminary replanting plan in (Exhibit A.3.41). <i>This standard is met.</i></p>
<p>6.06</p>	<p><b>(E) A Hillside Development permit may be approved by the Director only after the applicant provides:</b></p> <p>(1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or</p> <p>(2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,</p> <p>(3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the pro-posed development.</p> <p>(a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.</p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“The required geological report prepared by a geotechnical engineer certifying that the site is suitable for the proposed development is included as Exhibit 2 [Exhibit A.3.18]. This standard is met.</i></p> <p><i>The required completed HDP Form-1 is included in Exhibit 2 [Exhibit A.3.18] at page 69. This standard is met.”</i></p> <p><b>Staff:</b> The applicant has provided information under (2) and (3) above and as such, is not required to provide the information in (1) above. The applicant provided a geotechnical report prepared by Ryan T. Houser, CEG, an Oregon Certified Engineering Geologist, and by Jeffrey P. Quinn, P.E., an Oregon Registered Professional Engineer (Exhibit A.3.18). The report certifies the suitability of the site for the proposed development provided the recommendations presented in the report are incorporated into the design and development of the project. Condition G.2 requires adherence to the recommendations of the geotechnical report.</p> <p>An HDP Form-1 completed by Ryan T. Houser, CEG is included as part of Exhibit A.3.18 (pdf page 221) in addition to the submitted geotechnical report. A supplemental HDP Form-1 is also included as part of Exhibit A.23.1 (pdf page 11) addressing the proposed sight-distance grading on the west side of NW McNamee Road. <i>The standard is met.</i></p>

<p><b>6.07</b></p>	<p><b>(F) Geotechnical Report Requirements</b></p> <p><b>(1) A geotechnical investigation in preparation of a Report required by MCC 33.5515(E)(3)(a) shall be conducted at the applicant’s expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.</b></p> <p><b>Applicant:</b>  <i>“As stated in the report, the geotechnical engineer conducted a geotechnical investigation in preparation of the geological report. Exhibit 2 [Exhibit A.3.18]. This standard is met.”</i></p> <p><b>(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.</b></p> <p><b>Applicant:</b>  <i>“There has been no manipulation of the site prior to applying for the geotechnical permit. This standard is not applicable.”</i></p> <p><b>Staff:</b> As noted above in Section 6.06, the applicant conducted the necessary geotechnical investigation as part of the geotechnical report, and no additional geotechnical related studies have been required of the applicant under MCC 33.5515(E)(3)(a). Condition G.1 requires all site preparation to be supervised and monitored by the authors of the Geotechnical Report or by their designees in order to ensure compliance with the recommendation of the Geotechnical Report and to ensure the safety of the proposed development. <i>As conditioned the standards are met.</i></p>
<p><b>6.08</b></p>	<p><b>(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant’s expense; the geologist’s or engineer’s name shall be submitted to the Director prior to issuance of the Permit.</b></p> <p><b>Applicant:</b>  <i>“Applicant understands the requirement. This standard can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> Condition G.1 requires observation of work by a Certified Engineering Geologist or Geotechnical Engineer at the applicant’s expense and requires the name of the geologist or engineer to be submitted prior to the issuance of the permit (prior to any earthwork or development). <i>As conditioned, the standard is met.</i></p>

6.09	<p><b>(4) The Director, at the applicant’s expense, may require an evaluation of HDP Form– 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.</b></p> <p><b>Staff:</b> The Director has not required the above referenced evaluation of the HDP Form-1 or the Geotechnical Report.</p>
6.10	<p><b>(G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“Exhibit 20 [Exhibit A.3.37] includes the preliminary grading and erosion control plans depicting information required in MCC 33.5220 (A) through (D). Applicant is not requesting a grading and erosion control permit at this time. As such, pursuant to MCC 33.5520, applicant requests conditions of approval be imposed to ensure that a grading and erosion control permit is obtained and the design meets the applicable standards prior to ground disturbing activities.”</i></p> <p><b>Staff:</b> The applicant has provided the required Grading and Erosion Control (GEC) plans as Exhibit A.3.37 demonstrating consistency with the standards of MCC 33.5520 (A) through (D), as discussed in the findings in Sections 6.11 through 6.28 below. Although the applicant has suggested that a condition of approval could ensure that a Grading and Erosion Control permit is obtained, a separate Grading and Erosion Control permit is not required because all ground disturbing activities associated with the development are addressed in this Hillside Development permit and the GEC standards listed below. <i>This standard is met.</i></p>
6.11	<p><b>§ 33.5520 GRADING AND EROSION CONTROL STANDARDS</b></p> <p><b>Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:</b></p> <p><b>(A) Design Standards For Grading and Erosion Control</b></p> <p><b>(1) Grading Standards</b></p> <p><b>(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or in-formation or work regarding fill materials and compaction;</b></p> <p><b>(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;</b></p> <p><b>(c) Cuts and fills shall not endanger or disturb adjoining property;</b></p>

**(d) The proposed drainage system shall have adequate capacity to by-pass through the development the existing upstream flow from a storm of 10-year design frequency;**

**(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

**Applicant:**

*“Applicant is not requesting a grading and erosion control permit at this time. As such, pursuant to MCC 33.5520, applicant requests conditions of approval be imposed to ensure that a grading and erosion control permit is obtained and the design meets the above standards prior to ground disturbing activities.*

*The proposed limited cuts and retention are not adjacent to adjoining property, occurring in the interior of Metro’s property. The work will not endanger or disturb adjacent property. As demonstrated by the storm water report attached as Exhibit 4, the proposed drainage system will have adequate capacity to handle the planned event. No fills are proposed to encroach on natural watercourses/channels. Exhibit 20. This standard can be met by a condition of approval that will ensure compliance.”*

**Staff:** The Geotechnical Report and the HDP Form-1 (Exhibit A.3.18) address all new development. A separate Grading and Erosion Control permit is not required because all ground disturbing activities associated with the development are addressed in this Hillside Development permit and the GEC standards listed below; the condition that the applicant suggests regarding obtaining a separate GEC permit therefore is not necessary.

The applicant has provided the required information in the Geotechnical Report, HDP Form-1, stormwater report and the grading plans, (Exhibits A.3.18 and A.3.37) respectively. No cuts or retention areas are proposed near adjacent property and the proposed underground drainage detention system (Exhibit A.3.20) will meet the 10-year storm design frequency as demonstrated by the storm water certification included as Exhibit A.3.21. Section 5.5 of the Geotechnical Report addresses final slopes and recommends finished slopes be at 2:1 or less. The site distance grading area will be “...graded to drain to the northeast with a finished slope gradient of 7½ horizontal to 1 vertical (7½H:1V). The new finished cut slope at the west end of the site distance grading area will have a gradient of 2H:1V” (Exhibit A.23). Conditions G.1 through G.18 are imposed in order to ensure cuts and fills will not endanger or disturb adjoining property. No fills that would encroach on natural watercourses or constructed channels are proposed. *As conditioned these design standards are met.*

**6.12**

**(2) Erosion Control Standards**

**(a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high**

**watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.**

**Applicant:**

*“This standard is not applicable. The site is not within the Tualatin River Drainage Basin.”*

**Staff:** The Burlington Creek Forest unit, located on the northeast slope of the Tualatin Mountains, is not located within the Tualatin River Drainage Basin, which is located on the southwest slope of the Tualatin Mountains. *The standard is not applicable.*

**6.13**

**(b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;**

**Applicant** (Exhibit A.3): *“Stripping of existing vegetation will be limited to the construction limits and will total 0.05 acres around the access and parking improvements. Exhibits 19 and 20. The intent and plans maintain as much of the native vegetation as possible to enhance the forest experience, thereby exposing the smallest practical area. Disturbed soil is proposed to be stabilized as quickly as practicable. This standard is met and can be made a condition of approval to ensure compliance.”*

**Applicant** (Section 5.1.1 of the Geotechnical Report - Exhibit A.3.18): *“Existing vegetation, forest duff, topsoil, rooted soils, and undocumented gravelly silt fill (ML Fill) should be removed from within, and for a minimum 5-foot margin around, proposed fill, building, pavement, and bridge abutment areas. Based on the results of our field explorations, stripping depths are anticipated to be less than 1-foot bgs. These materials may be deeper or shallower away from our explorations. Accordingly, the geotechnical engineer or their representative should provide recommendations for actual stripping depths based on observations during site stripping. Vegetation and rooted soils should be transported off-site for disposal, or stockpiled for later use in landscaped areas. Excavated soils (ML, CL) in the trailhead area may be reused as structural fill if properly moisture conditioned as described in Section 5.4.1.1 below.”*

**Applicant** (in a response letter addressing Additional Grading & PGE property, dated April 15, 2019, Exhibit A.23): *“The extent of excavation is dictated by sight distance standards and improvements associated with the 85th percentile speed plus 5 mph analysis. Stripping of existing vegetation will be limited to the construction limits as represented in the civil drawings. Work is proposed to improve existing sight distance limitations and improve road user safety. Disturbed soil will be stabilized as quickly as practicable. This standard is met and can be made a condition of approval to ensure compliance.”*

**Staff:** As indicated by the applicant, stripping of existing vegetation will be limited to the construction limits and will total 0.05 acres around the access and parking improvements. Exhibits A.3.36 and A.3.37. Additionally, striping of vegetation along NW McNamee Road will be limited to the extent of the excavation needed to in order to improve site distance at the site as shown in

	<p>Exhibit A.23.1. The applicant has broken disturbance areas into discreet zones to help minimize grading the entire site at one time. For example, there are four areas that will require fills or grading. A 6 x 20 foot area will be graded near the beginning of the access road, this will be south of the access drive. This grading activity will be to smooth out a slope and to construct a ditch along the road. Three additional grading areas are associated with the parking lot; an area of 25 x 30 foot area to the northwest of the toilet; an area of 20 x 50 at the northeast corner of the parking lot; and an area of approximately 20 x 175 feet along the southern edge of the parking area. The final area to be graded is 30 x 200 feet, located along McNamee Road for site distance improvements.</p> <p>Staff finds the applicant plans to minimize soil erosion and stabilize the site as quickly as practicable by seeding disturbed areas and covering with straw as required in Condition G.16. The intent and plans maintain as much of the native vegetation as possible to enhance the forest experience, thereby exposing the smallest practical area. Disturbed soil is proposed to be stabilized as quickly as practicable. To ensure compliance, this standard is also a condition of approval (Conditions G.12 and G.16). <i>As conditioned, the standard is met.</i></p>
<p><b>6.14</b></p>	<p><b>(c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“The development plans utilize existing clear and generally level areas and proposes limited cut and fill to accommodate the proposed access improvements in a manner that has the least site disturbance. Exhibits 19 and 20. This standard is met.”</i></p> <p><b>Applicant</b> (page 72, Exhibit A.3.12): <i>“There are four areas that will require fills or grading. A 6 x 20 foot area will be graded near the beginning of the access road, this will be south of the access drive. This grading activity will be to smooth out a slope and to construct a ditch along the road. Three additional grading areas are associated with the parking lot; an area of 25 x 30 foot area to the northwest of the toilet; an area of 20 x 50 at the northeast corner of the parking lot; and an area of approximately 20 x 175 feet along the southern edge of the parking area. The final area to be graded is 30 x 200 feet, located along McNamee Road for site distance improvements. Exhibit 20. [Exhibit A.3.37]”</i></p> <p><b>Applicant</b> (in a response letter addressing Additional Grading &amp; PGE property, dated April 15, 2019, Exhibit A.23): <i>“The extent of excavation is dictated by sight distance standards and improvements associated with the 85th percentile speed plus 5 mph analysis. County transportation staff, in an effort to further improve user safety, requested that Metro analyze and represent impacts associated with the addition of 5 mph to the equation. Impacts are minimized in this approach. Disturbed soil will be stabilized as quickly as practicable. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> Cuts and fills are limited to areas that will accommodate access parking and site distance improvements. Surface runoff will meet the 10 year storm design standard as demonstrated in the included stormwater certificate (Exhibit A.3.21). Erosion potential is minimized by retaining surrounding vegetation and lesser slopes around the trailhead improvements. New trails will be</p>

	<p>placed within existing forested areas that are less conducive to erosion than exposed areas. <i>The standard is met.</i></p>
<p><b>6.15</b></p>	<p><b>(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;</b></p> <p><b>Applicant:</b></p> <p><i>“Disturbed areas that will be left exposed for longer than 7 days will be mulched to provide temporary erosion protection. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The applicant has proposed to use mulch to protect against erosion. Conditions G.13 and G.16 require adherence to this standard. <i>As conditioned, the standard is met.</i></p>
<p><b>6.16</b></p>	<p><b>(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;</b></p> <ol style="list-style-type: none"> <li><b>1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;</b></li> <li><b>2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention &amp; Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;</b></li> </ol> <p><b>Applicant</b> (Exhibit A.3): <i>“No top of bank is within 100 feet of the proposed access/parking area. Exhibits 2 and 20 [Exhibits A.3.18 and A.3.37]. Stripping of existing vegetation will be limited to the construction limits and will total only 0.05 acres. Exhibit 19 [Exhibit A.3.36]. The intent and plans maintain as much of the native vegetation as possible to enhance the forest experience, thereby exposing the smallest practical area. Disturbed soil is proposed to be stabilized as quickly as practicable. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Applicant</b> (Exhibit A.26): <i>“Since the original submission, applicant’s professional consultant performed a wetland delineation/determination and identified the ordinary high water marks associated with the proposed bridge crossings. Attached as Exhibit 2 [Exhibit A.26.2] is their Wetland Delineation/Determination Report form submitted to the Oregon Department of State Lands as well as their Ordinary High Water Mark/Line Delineation Report. This information will be used to ensure that all abutment disturbances are located above and outside of the ordinary high water mark.</i>  <i>The above issue references Erosion and Grading Control standards for hillside development, specifically, when entering into a waterbodies buffer. The mitigation plan required above is distinct and different from required mitigation (and the mitigation plan) required under SEC permit standards. Unlike the SEC permit standards, the Erosion and Grading Control “mitigation plan” standards do not require a specific ratio of plantings in existing cleared areas to offset the disturbance with the buffer. Rather, the standards required a grading and erosion control plan, to</i></p>

*the extent applicable, to 'utilize erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the 'Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)' and the 'City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)' and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340.' Those are construction management best practices standards which are reflected in erosion and grading control plans, to the extent the standards are applicable. Implementing those best practices is the mitigation required.*

*Applicant provided preliminary grading and erosion control plans depicting information required for the access and parking area. As requested by the County, attached as Exhibit 3 [Exhibit A.26.3] are additional preliminary construction management plans, erosion control best practices that will be utilized for all bridge abutments and trail construction within the buffer.*

*As per normal County protocol and process, applicant is not requesting a grading and erosion control permit at this time. Applicant has required a condition of approval be imposed to ensure that a grading and erosion control permit is obtained and the design meets the applicable standards prior to ground disturbing activities."*

**Staff:** The proposal includes new trails and stream crossings with 100 feet of streams. The applicant has supplied a delineation report, *Burlington Creek Forest Ordinary High Water Mark/Line Delineation Report*, prepared by SWCA Environmental Consultants (Exhibit A.26.2). The report provides evidence of the location of the ordinary high watermark for the streams subject to the proposed stream crossings. The proposed best practices are plan for the stream crossings are specified in Exhibit A.26.3; the specifications include:

- Minimize disturbance to natural resources to the extent possible.
- Providing positive drainage away from all trails and trail features.
- No impoundments or ponding of surface water on the trail bed will be allowed.
- Requirement to install erosion control BMPs prior to any land disturbance.
- Construction activities to avoid or minimize excavation and the creation of bare ground from October 1 through May 31 each year.
- Construction activities must avoid or minimize excavation and bare ground during wet weather.
- Preserve existing vegetation when practical.
- During rain events, no sediment is allowed to leave the site. Significant sediment that has left the construction site must be remediated within 24 hours. Investigate the cause of the sediment release and implement steps to prevent a reoccurrence of the discharge within the same 24 hours.
- Leave temporary sediment control practices in place until permanent vegetation or other cover of exposed areas is established.
- Once construction is complete and the site is stabilized, all temporary erosion controls must be removed and disposed of properly.
- Contractor is limited to a linear construction corridor and shall coordinate construction access and staging with owner's representative prior to mobilization.
- The construction limits along the trail corridor shall not exceed 24" beyond the edge of new trails including space required backslopes.
- Construction shall not disturb beyond the minimum footprint required to install the work.

Exhibit A.26.3 satisfies the requirement in 2. above.

	<p>Condition G.17 requires constructions activities follow the mitigation plan referenced in subsection 2 above. <i>As conditioned, the standard is met.</i></p>
6.17	<p><b>(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;</b></p> <p><b>Applicant:</b>  <i>“Permanent plantings will be planted as soon as practical to ensure high plant survival rates and help protect against erosion. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> Staff concurs that permanent plantings will be installed (Exhibit A.26). Condition G.16 requires the plantings and required structural erosion control measures to be installed as soon as practical. <i>As conditioned, the standard is met.</i></p>
6.18	<p><b>(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water run-off shall be structurally retarded where necessary;</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“The project proposes both asphalt and pervious gravel surfaces. For the asphalt surfaces, applicant proposes stormwater collection facilities to collect and treat surface runoff. Exhibits 4 and 20. Elsewhere, the surrounding landscape controls surface flows in the forest environment. This standard is met.”</i></p> <p><b>Staff:</b> The only area that is anticipated to result in increased stormwater run-off is the parking area. The parking area will include impervious and semi-pervious surfaces. Stormwater facilities are proposed (Exhibit A.3.20). To the extent any minor runoff results from trails, the surrounding soil and vegetation is anticipated to absorb stormwater. Section 5.11 of the Geotechnical Report (Exhibit A.3.18) indicates, “Trails should be graded to allow sheet flow runoff across the trail wherever possible to avoid collection of stormwater runoff. This may be accomplished by minimizing grade changes across the trail, allowing a slight downslope gradient of the trail bed (out-sloped tread), and through grade reversals along running slopes of the trails. <i>The standard is met.</i></p>
6.19	<p><b>(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;</b></p> <p><b>Applicant:</b> <i>“Should sediment laden runoff be present during construction, measures will be taken to trap the runoff and stabilize the area contributing the sediment laden runoff. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The grading plan (Exhibit A.3.37) indicates the use of biocheck dams and slope matting. Condition G.5 requires the use of sediment control devices during all phases of construction until the site is stabilized. <i>As conditioned, the standard is met.</i></p>
6.20	<p><b>(i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage</b></p>

	<p><b>across or above such areas, or by other suitable stabilization measures such as mulching or seeding;</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“The proposed plans make all necessary accommodations to ensure surface water does not damage the project improvement or damage the property. Exhibits 2, 20, and 22. [A.3.18, A.3.37, and A.3.40]”</i></p> <p><b>Staff:</b> The applicant has proposed provisions to prevent surface water from damaging the cut face of excavations or sloping surface of fills, such as the use of biocheck dams and slope matting. Condition G.18 requires the protection of excavations and sloping surfaces by the use of temporary or permanent drainage across or above such areas. <i>As conditioned, the standard is met.</i></p>
6.21	<p><b>(j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“The project proposes both asphalt and pervious gravel surfaces. For the asphalt surfaces, applicant proposes stormwater collection facilities to collect and treat surface runoff, and eventually connect to a drainage ditch. Elsewhere, the surrounding landscape controls surface flows in the forest environment. This standard is met.”</i></p> <p><b>Applicant</b> (in a response letter addressing Additional Grading &amp; PGE property, dated April 15, 2019, Exhibit A.23): <i>“Only natural surfaces are proposed in the area of sight distance improvements. Slopes will be constructed as dictated by the geotechnical engineer. Site runoff is controlled by natural surfaces and drainage swales associated with the right of way. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs and adopts the applicant’s finding. <i>The standard is met.</i></p>
6.22	<p><b>(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;</b></p> <p><b>Applicant:</b></p> <p><i>“Applicant incorporates an existing drainage ditch to divert surface waters after treatment. Exhibits 4 and 20. The drainage ditch is adjacent to and follows the roadway in the forest environment. Applicant is not proposing to vegetate the ditch as that would decrease its capacity and function, however, the condition of the ditch is monitored to ensure no adverse erosion events occur. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The applicant has addressed the standard for an existing facility along the existing logging road; however, the standard only applies new facilities. No new drainage swales are proposed. <i>The standard is not applicable.</i></p>

<p>6.23</p>	<p><b>(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:</b></p> <ol style="list-style-type: none"> <li><b>1. Energy absorbing devices to reduce runoff water velocity;</b></li> <li><b>2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;</b></li> <li><b>3. Dispersal of water runoff from developed areas over large undisturbed areas.</b></li> </ol> <p><b>Applicant</b> (Exhibit A.3): <i>“Sediment fence and/or other measures are proposed to act as an erosion and sediment control device. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Applicant</b> (in a response letter addressing Additional Grading &amp; PGE property, dated April 15, 2019, Exhibit A.23): <i>“Sediment fence and/or other measures are proposed to act as an erosion and sediment control device. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The applicant has proposed provisions to prevent surface water from damaging the cut face of excavations or sloping surface of fills, such as the use of biocheck dams and slope matting as noted in Exhibits A.3.40 and A.23.3. Condition G.4 requires the use of the above devices and those listed in the erosion control plans of A.3.40 and A.23.3 in order to prevent polluting discharges. As conditioned, the standard is met.</p>
<p>6.24</p>	<p><b>(m) Disposed spoil material or stock-piled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“The plans demonstrate that no material/soil will erode into streams or drainageways. Construction activity is occurring away from said natural features. Also, any stockpiled material will be covered as necessary to prevent erosion. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Applicant</b> (in a response letter addressing Additional Grading &amp; PGE property, dated April 15, 2019, Exhibit A.23): <i>“Best management practices will be employed and in place to prevent material/soil from eroding into streams or drainageways. Construction activity is occurring away from said natural features. Also, any stockpiled material will be covered as necessary to prevent erosion. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The standard requires spoil material or stock-piled topsoil be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a</p>

	<p>sufficient distance from streams or drainageways; or by other sediment reduction measures. The applicant's findings indicate that stockpiled material will be covered. Condition G.6 requires compliance with this standard. <i>As conditioned, the standard is met.</i></p>
<p><b>6.25</b></p>	<p><b>(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“All potential pollutants and construction related materials will be properly managed and maintained during all phases of construction to ensure the site is kept clean and free from contamination. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> Staff concurs and adopts the applicant's finding. Condition G.7 requires compliance with this standard. <i>As conditioned, the standard is met.</i></p>
<p><b>6.26</b></p>	<p><b>(o) On sites within the Balch Creek Drainage Basin, erosion and storm-water control features shall be designed to perform as effectively as those prescribed in the "Erosion Prevention &amp; Sediment Control Plans Technical Guidance Handbook (1994)". All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.</b></p> <p><b>Staff:</b> The site is located outside of the Balch Creek Drainage Basin which is located further south of the Burlington Creek Forest site (Exhibit B.65). <i>The standard is not applicable.</i></p>
<p><b>6.27</b></p>	<p><b>(B) Responsibility</b></p> <p><b>(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;</b></p> <p><b>(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream water-course or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.</b></p> <p><b>Applicant:</b>  <i>“The responsibility of appropriately managing sedimentation is acknowledged by Metro.”</i></p>

	<p><b>Staff:</b> The applicant acknowledges their responsibility to this standard. Condition G.8 requires the applicant to adhere to part 1 of this standard. Condition G.19 requires the applicant to adhere to part 2 of this standard. <i>As conditioned, the standard is met.</i></p>
<p><b>6.28</b></p>	<p><b>(C) Implementation</b></p> <p><b>(1) Performance Bond – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising therefrom will be minor.</b></p> <p><b>(2) Inspection and Enforcement. The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development, work may be stopped until appropriate correction measures are completed.</b></p> <p><b>Applicant:</b>  <i>“Metro will adhere to the implementation and final approval requirements set forth by the County. This standard is met and can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> The grading required to develop the parking area and trails does not require a bond because the park cannot open until the work is completed. Note that the Transportation Planning Division may require a bond for the completion of right of way improvements.</p>
<p><b>6.29</b></p>	<p><b>(D) Final Approvals</b></p> <p><b>A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.</b></p> <p><b>Staff:</b> This Hillside Development permit is subject to related conditions of approval (G.1 through G.19) and final building permit inspections and sign-off for structures requiring a building permits such a retaining walls and stream crossings. <i>As conditioned, this standard is met.</i></p>

**7.00 Protected Aggregate and Mineral Sites (PAM)**

**Staff Note:** Under Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), the County is required to identify sites with significant aggregate resources, such as quarries, and protect those sites by limiting surrounding uses that might impact or be impacted by the aggregate resource use (also known as uses in the “impact area”). As discussed below, a portion of the Burlington Creek Forest site is in the impact area for a significant resource site identified in the County’s prior Goal 5 process – the Angell Brothers quarry. This Section of the staff report examines whether the County’s Goal 5 process identified uses like

the proposed Metro park use, and specifically the trails proposed within the impact area, as prohibited within the impact area of the Angell Brothers quarry.

<p><b>7.01</b></p>	<p><b>§ 33.5700- PURPOSES</b></p> <p><b>The purposes of the Protected Aggregate and Mineral Resources Overlay Subdistrict are:</b></p> <p><b>(A) To provide a mechanism to identify and, where appropriate, protect significant aggregate and mineral resource sites;</b></p> <p><b>(B) To allow surface mining subject to uniform operating standards; and</b></p> <p><b>(C) To regulate conflicts with surface mining activities.</b></p> <p><b>§ 33.5705 AREA AFFECTED</b></p> <p><b>This subsection shall apply to those lands designated PAM on the Multnomah County Zoning Map. On the Zoning Map shall also be a reference to the relevant site-specific Comprehensive Plan documents.</b></p> <p><b>Exemption activities as described in MCC 33.5710 (A) and (B) are allowed in all districts, not only those designated PAM.</b></p> <p><b>Applicant:</b></p> <p><i>“A small section located in the south-eastern corner of the property include lands designated PAM – Impact Area on the County’s zoning map.”</i></p> <p><b>Staff:</b> The Angell Brothers Quarry is protected by a Protected Aggregate Mineral Extraction Area (PAM-EA) Overlay closest to the quarry where mining and associated processing is likely to occur and also a Protected Aggregate Mineral Impact Area (PAM-IA) Overlay which surrounds and is adjacent to the PAM-EA. Part of the Burlington Creek Forest unit is located within the Protected Aggregate Mineral Impact Area (PAM-IA) in the southeast portion of the site (Exhibit B.64). New recreational trail use is proposed on the existing logging road within the PAM-IA overlay and a new section of trail is also proposed within the PAM-IA overlay area (Exhibit B.84). A portion of the Ennis Creek Forest is also located within the PAM-IA overlay (Exhibit B.64). However, the current application does not seek to develop any uses in Ennis Creek Forest, and any future trails or other uses in the Ennis Creek Forest that would traverse through the PAM-IA overlay will be subject to future permit review. As a result, the remainder of this section will address only those uses proposed in the current development application in the portion of the Burlington Creek Forest unit that is within the PAM-IA overlay.</p>
<p><b>7.02</b></p>	<p><b>§ 33.5710 EXEMPTIONS</b></p> <p><b>(A) The following activities are exempt from the requirements of MCC 33.5700 through 33.5745 and 33.6500 through 33.6535. Operators or land owners have the burden of qualifying for any exemption.</b></p>

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use provisions of MCC 33.7200 through 33.7214.

(B) Mining less than 1,000 cubic yards of material in conjunction with mining an area of less than one acre is exempt from the requirements of MCC 33.5700 through 33.5745 and 33.6500 through 33.6535, but shall require the approval of a Hillside and Erosion Control Permit and any other permits as may be required in any overlay subdistrict.

(C) Mining a quantity in excess of (B), but mining less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres is exempt from the requirement in MCC 33.6520 and 33.6525 to obtain a DOGAMI operating permit. However, mining at this level of activity shall:

(1) Be on a "protected site" as determined by, and subject to restrictions warranted by, the Goal 5 process;

(2) Be approved as a mining conditional use pursuant to the provisions and requirements of MCC 33.6500 through 33.6535; and

(3) Obtain approval of a Hillside and Erosion Control Permit in conjunction with the mining conditional use approval. The Hillside and Erosion Control permit shall be required in place of all references in the plan and MCC Chapter 33 to obtaining a DOGAMI operating permit in recognition that this level of mining activity is exempted by DOGAMI rules for such a permit.

**Applicant:**

*"The PAM overlay only includes exemptions for certain mining activities. Applicant is not proposing a mining activity and therefore is not proposing an exempt activity."*

**Staff:** The applicant does not qualify for any of the above exemptions, which are all mining related. *This standard is not applicable.*

7.03

**§ 33.5715 DEFINITIONS**

As used in this subdistrict and MCC 33.6500 through 33.6535, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) *Conflicting Use* – A use authorized in the underlying zone which, if allowed, could adversely affect operations at a protected aggregate and mineral resource site. As used in this subsection, a conflicting use is also another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.

(B) *Dust Sensitive Use* – A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered

dust sensitive uses during their period of use. Forest uses and farm uses are not dust sensitive uses unless determined through the Goal 5 process.

**(C) *ESEE Analysis*** – The analysis of Economic, Social, Environmental and Energy consequences of allowing mining at a significant site, and allowing conflicting uses to displace mining at a significant site. The ESEE analysis is the basis for determining the level of protection to be given the resource.

**(D) *Extraction Area*** – The area of a protected aggregate and mineral resource site in which mining and associated processing is permitted.

**(E) *Goal 5 Process*** – The planning process required by Oregon Administrative Rules Chapter 660, Division 16. The Goal 5 process involves identifying resource sites, determining their significance, identifying conflicting uses, analyzing the economic, social, environmental and energy consequences of conflicting uses, determining the level of protection given to a resource site, and implementing a program to protect significant sites.

**(F) *Impact Area*** – The area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site.

**(G) *Mining*** – The excavation of sand, aggregate (gravel), clay, rock, or other similar surface or subsurface resources. Mining does not include: (1) Excavations conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstructing or maintaining access roads, (2) Excavation or grading conducted in the process of farm or cemetery operations, (3) Excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or (4) Removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the county.

**(H) *Noise Sensitive Use*** – A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensitive uses during their period of use. Forest uses and farm uses are not noise sensitive uses unless determined through the Goal 5 process.

**(I) *PAM Overlay Subdistrict*** – A special purpose zoning designation for the purposes of MCC 33.5700 that is placed on a zoning map over a base zoning district (ie. CFU). The provisions of the PAM subdistrict shall apply to land uses as specified, notwithstanding the provisions of the underlying zone district.

**(J) *Processing*** – The washing, crushing, screening, and handling of aggregate and mineral resources. Batching and blending of asphalt or portland cement concrete are included in the definition of processing.

**(K) *Protected Site*** – Significant resource sites which are identified through the Goal 5 Process as resources that the county will protect from conflicting uses. The special district designation Protected Aggregate and Mineral Resources (PAM) shall only be applied to protected sites.

**(L) *Restrictive Covenant*** – An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel, not to object to the terms of a permit issued by a local government, state agency or federal agency. The restrictive covenant shall be recorded in the real property records of the county, shall run with the land, and is binding upon the heirs and successors of the parties. The covenant shall state that obligations imposed by the covenant shall be released when the site has been mined and reclamation has been completed.

	<p><b>(M) Significant Site – A site containing either significant aggregate resources or significant mineral resources. The county will judge the significance of mineral and aggregate resources on a case by case basis, under the standards and procedures in LCDC’s Goal 5 interpretive rules.</b></p> <p><b>Staff:</b> These definitions are specific to the PAM Overlays.</p>
<p><b>7.04</b></p>	<p><b>§ 33.5720 PAM OVERLAY SPECIAL SUBDISTRICTS</b></p> <p><b>The Protected Aggregate and Mineral Resource Subdistrict (PAM) comprises two areas, the <i>Extraction Area</i> (PAM-EA) and the <i>Impact Area</i> (PAM-IA).</b></p> <p><b>(A) The <i>Extraction Area</i> shall be applied to the portion of <i>protected sites</i> where mining and associated processing is to occur. The <i>Extraction Area</i> may consist of one or more parcels or portions of parcels, and may be applied to contiguous properties under different ownership. The <i>Extraction Area</i> boundary may be modified through the <i>Goal 5 process</i> to reduce conflicts with <i>conflicting uses</i> existing when the overlay is applied. The <i>Extraction Area</i> shall be shown on the zoning map with the designation PAM-EA.</b></p> <p><b>(B) The <i>Impact Area</i> shall be applied to parcels or portions of parcels adjacent to the <i>Extraction Area</i> and within the <i>Impact Area</i> deemed appropriate through the <i>Goal 5 process</i>. The <i>Impact Area</i> shall be shown on the zoning map with the designation PAM-IA.</b></p> <p><b>Applicant:</b>  <i>“A small section located in the south-eastern corner of the property include lands designated PAM – Impact Area on the County’s zoning map.”</i></p> <p><b>Staff:</b> Part of the Burlington Creek Forest is located within the Protected Aggregate Mineral Impact area (PAM-IA) in the southeast portion of the site (Exhibit B.84). The Impact Area is defined as the area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site.</p> <p>New recreational trail use is proposed on the existing logging road within the PAM-IA overlay and three new trail sections are also proposed within the PAM-IA overlay area. Those new trails are labeled E, G, and H on Exhibit B.84. The Extraction area (PAM-EA) is located on five properties south of the Burlington Creek Forest; those properties are 2N1W29 -00400, 2N1W29 -00500, 2N1W29 -00600, 2N1W29 -00700, and 2N1W28B -01700 (Exhibit B.85). Two stream crossings labeled crossings 7 and 8 are also included on the new trail segments labeled G and H respectively (Exhibit B.85).</p>
<p><b>7.05</b></p>	<p><b>§ 33.5735 IMPACT AREA (PAM-IA) - ALLOWED USES</b></p> <p><b>Notwithstanding the use provisions of the underlying district, the following use provisions shall apply in the PAM-IA Subdistrict. Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed Conditions, and Conditional Uses allowed in the underlying district may be permitted subject to the underlying district provisions and criteria of approval, except as follows:</b></p> <p><b>(A) Uses identified through the Goal 5 process to be prohibited within the Impact Area shall not be permitted;</b></p>

**Applicant** (in a response letter addressing MCC 33.5735(A) dated June 7, 2018, Exhibit A.8):

“Question presented:

*Metro is proposing to construct trail sections in the PAM impact area overlay. The question that must be answered is: did the WHRR [West Hills Reconciliation Report, which documented the County’s Goal 5 process,] identify and regulate trails as a prohibited conflicting use in the impact area overlay? In other words, did the County determine that a trail located in the impact area would adversely impact or otherwise disrupt aggregate operations to the south?*

Background:

*Angel Brothers operates a quarry south of Metro’s Burlington Creek Forest. The quarry is designated a protected resource under the County’s Goal 5 program, which requires a balance between protecting the aggregate site and allowing potentially conflicting uses around the aggregate site.*

*The aggregate site was studied and designated during the County’s mid 1990s periodic review. That process was memorialized in the West Hill Reconciliation Report (1996) (‘WHRR’ or the ‘Report’). The WHRR includes significant determinations, Economic, Social, Environmental, and Energy (ESEE) analyses, and other requirements and suggestions for implementing Goal 5. The report was adopted into the County’s Comprehensive Plan. Attached as Exhibit 1 [Exhibit A.8.1] are excerpts of the WHRR.*

*With respect to the Angel Brothers quarry site, the analysis and framework objective was to define the resource extraction site and limit and prohibit conflicting uses within the impact area around the protected extraction area. Conflicting uses were those uses that, if allowed, could adversely affect aggregate operations. An example of an adverse impact would be forcing a change in mining practices.*

*An impact area was designated to extend 1,200 feet in all directions from the extraction area (which is defined as the area in which mining is allowed). A large impact area was identified ‘because no analysis had been completed on the identified conflicting Goal 5 resources....’ WHRR at IV-17. As a result, a PAM impact area is overlaid on the southern portion of the Metro property, in which trail sections are proposed.*



Metro property – north of blue line. Trail locations are north of forest practice road depicted in photo (orange arrow points to road).

Mining – extraction site. Per WHRR, resource extraction cannot occur north of north drainage (stream line south of Metro property line).

Extraction is directed to go west from existing quarry pit until western setback is achieved and then south across middle drainage and then east towards Highway 30 (yellow arrow is path of extraction).

The resource extraction area is approximately 2,000 feet from the Metro boundary and directed away from Metro property. The plan states that mining will have no impact on the northern drainage, which is south of Metro’s property. The extraction setback provides an additional natural and forested buffer between Metro and the quarry.

*The WHRR was adopted into a preexisting PAM overlay code structure, added in 1994 by Ordinance 804 Section IV. The 1994 regulations mirror today’s code and the language in 33.5735(A) above. Exhibit 2 [Exhibit A.8.2]. The regulations are intended to protect mineral resource sites, allow mining subject to uniform operating standards, and to regulate conflicts with surface mining operations.*

*The 1996 Report classified uses allowed in the Commercial Forest Use (CFU) district as either representing 1) no conflict, 2) may conflict but unlikely to occur, or 3) may conflict. Depending on the use classification, different recommendations were then made to reduce potential conflicts with mining operations.*

*The conclusions are summarized as follows: the following uses were initially identified as potential conflicting uses with mining - forestry uses, wildlife habitat, streams and wetlands, residential uses and scenic resources. After examination, of these uses, only residential uses and streams and wetlands were determined to have the potential to adversely affect future mining operations. Of note, the WHRR did not identify or discuss trails and hiking, or other recreational forestry uses encouraged by Goal 4<sup>1</sup> as conflicting uses.*

*Below is a further elaboration of uses examined and the County’s analysis.*

Uses allowed in CFU district - **No conflict**

*On CFU land, the County identified forest operations, forest practices, and physical alteration to the land auxiliary to forest practices, including road construction and recreational facilities, as allowed uses that will NOT conflict with the aggregate resources. There are numerous other listed allowed, non-conflicting uses – all of which were found to not satisfy the DEQ definition of ‘noise sensitive property.’<sup>2</sup> The County found these uses, including recreational facilities, ‘if allowed in the impact area, would pose no threat to quarry operations or force a significant change in the current or future mining activities.’ The County determined that forest operations, forest practices, and physical alterations of the land auxiliary to forest practices for recreational facilities are to be allowed fully in the impact area. WHRR at VI-21.*

*Trails constitute a forest recreational use – which pose no threat to and do not conflict with mining activities, and are allowed fully in the impact area.*

Uses allowed in CFU district - **May conflict but unlikely to occur**

*In this list of allowed uses in CFU district **which may conflict but are unlikely to occur**, the County identified uses that either meet the DEQ definition of noise sensitive property or are uses that could adversely be affected by dust or traffic resulting from mining activities.*

*This list includes forest labor camps, seasonal accommodations, as well as ‘parks and campgrounds,’ all identified as types of uses that could be impacted by a nearby mining operation and therefore conflict with a mining operation.*

*The Report states that the “Parks” considered in this analysis were:*

*“...land extensive uses that are categorized by the Comprehensive Plan as **Minor Community Facilities (Plan Policy #31)** and considered Conditional Uses by Zone. **Minor Community Facilities** require direct access to at least a collector street. All roads in the impact area are local with the exception of US Highway 30 which is a major arterial. There are no large ownerships within the impact area with direct access to Highway 30.” (Emphasis added).*

*Attached as Exhibit 3 [Exhibit A.8.3] is Policy #31. Because no collector street served the Burlington Forest, the County concluded that the types of ‘parks’ considered by it – which were minor community facilities requiring direct access onto a collector – were not likely to occur. Other minor community facilities identified in Policy 31 include libraries, schools, meeting rooms, care facilities, clinics, churches, and neighborhood recreation centers. Transitory trails in a natural setting are not similar to these uses.*

*Additionally, the ‘parks’ likely considered were those with constant or frequent presence of larger numbers of people for extended periods of time that may be impacted by noise and dust from aggregate extraction, similar to other Minor Community Facilities listed above. Examples of those types of ‘parks’ would be ball fields, play grounds, sport courts/areas, golf courses, and uses of similar nature. Those activities are not transitory/pass through in nature – as are trails through a forest. Through this analysis, the County determined that destination resorts, certain types of residences, camps and accommodations, and ‘parks’ should not be allowed, as they are either*

*noise sensitive uses or would conflict with or be adversely affected by mining operations. WHRR at IV-23, 24, and VI-22.*

*Of note, forest recreational activities – including hiking, biking, and horseback riding, were common on the Burlington Forest prior to and during the WHRR development. They were not activities unlikely to occur. Rather, they were activities that were occurring, were likely to occur and which represent no conflict as provided for in the no-conflict section above. The County did not intend for trails and other forest recreational activities (such as horseback riding, ATV use, off-road cycling, bird watching, and hiking) to be lumped into its analysis of ‘parks’ which may conflict, but were not likely to occur.*

**Uses allowed in CFU district – May conflict**

*The list of uses that may conflict with mining operations is limited to residences – forestland dwellings, replacement dwellings, and temporary use dwellings – all of which meet the DEQ definition of noise sensitive property. Trails do not meet the definition of noise sensitive use and were not identified as a conflicting use.*

**Conclusion:**

*WHRR reconciliation/protection measures were not designed to address or otherwise regulate or limit trails. Trails were not intended by the County and its WHRR to be a prohibited use in the impact area. Trails were never identified as a conflicting or potentially conflicting use. Trails constitute a forest recreational use. The County determined that forest recreational uses pose no threat to and do not conflict with mining activities and are allowed fully in the impact area.*

*<sup>1</sup> Goal 4 provides that the regulation of forest land is: ‘To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.’*

*<sup>2</sup> DEQ regulations, OAR 340-35-015(38) defined ‘noise sensitive property’ as ‘real property normally used for sleeping, or normally used as schools, churches, hospitals, or public libraries...’”*

**Applicant** (in a response letter addressing further addressing MCC 33.5735(A) dated August 27, 2018, Exhibit A.14):

*“The County’s interpretative task is to place itself in the position it was in the early 1990s when it adopted the PAM regulations and determined the intended meaning of ‘parks’ and the uses the County and quarry operators intended to restrict in the PAM impact area.*

*In June 2018, Metro provided the County with a memorandum addressing the County’s PAM standards and how the standards apply to plans for short trail lengths within the PAM impact area. Metro confirmed, through an examination of the legislative history, context, and statutory construct, that the ‘parks’ considered by the County in 1994 and which the Board of Commissioners intended to restrict were ‘land extensive uses’ that, by code, required direct access to a least a collector street, for which the County concluded ‘were not likely to occur’ in the subject impact area. No other definition or discussion of the meaning of ‘park’ was included in the PAM code or made in the Goal 5 document.*

*Metro submits that the type of ‘park’ and uses intended to be restricted in the PAM impact area would have been of the type located along a collector, such as a park with structures designated for educational and instructional use – as in a community center, a sports arena, a ball field complex, a swimming pool, and recreational uses of a similar nature. These types of use would also have been considered noise sensitive (under DEQ regulations) and the type of use that would conflict with or be adversely affected by mining operations. Trails through a forest are not a recreational use of a similar nature.*

*Recently, the Angel Brothers quarry owner submitted a letter into the record stating that Metro’s proposed trail use is not a conflicting use, and thus not the type of ‘park’ or use they sought to prohibit and restrict in the impact area. In other words, Goal 4 recreational uses, such as trails, were considered in the County’s Goal 5 analysis as a ‘use allowed in the CFU district’ which will not conflict with the aggregate resource.*

*Respectfully, the ‘parks’ intended to be regulated through the County’s PAM standards are not the Goal 4 nature parks and passive recreational uses, some of which are included in OAR 660-034 (state and local park planning). Of note, the state and local park planning regulations were first adopted by the state in 1998, four years after the County’s PAM regulations. The County did not regulate ‘local parks’ in its code as provided for in OAR 660-034 until recently – decades after it adopted the PAM standards. The state and local parks now regulated by County code are not the same ‘parks’ regulated by the PAM standards.*

*Simply labeling a Goal 4 recreational trail use as a ‘park’ and imputing that PAM limiting regulations apply to forest trails in the same restrictive manner as intensive ‘park’ uses, such as sports fields and swimming pools, without examining the specific use proposed, is not the correct approach and would adversely harm Metro’s ability to provide nature based recreational services to Multnomah County residents.”*

**Staff:** This standard describes the uses allowed within the PAM-IA overlay. The Burlington Creek Forest Conditional Use application proposes park uses, specifically recreational trails including two new stream crossings (Exhibit B.85), in a portion of the CFU-1 zone within the PAM-IA overlay. This standard provides that Conditional Uses allowed in the CFU-1 zone, like the park uses proposed here, may be allowed in the PAM-IA overlay unless those uses were prohibited through a separate process known as “the Goal 5 process.” As Metro notes in its application, the question is whether the recreational trail uses Metro is proposing in the section of the Burlington Creek Forest within the PAM-IA overlay were identified as prohibited uses in the Goal 5 process.

### **The Goal 5 Process**

MCC 33.5715(E) defines the “Goal 5 process” and explains that it involves identifying resource sites and creating a plan to protect those sites identified as significant: “The *Goal 5 process* involves identifying resource sites, determining their significance, identifying conflicting uses, analyzing the economic, social, environmental and energy consequences of *conflicting uses*, determining the level of protection given to a resource site, and implementing a program to protect *significant sites*.” (Emphasis in original identified defined terms.) As discussed more fully below, the Goal 5 process in Multnomah County identified the Angell Brothers aggregate quarry site, located about 2000 feet from Metro’s property boundary, as a significant site subject to protection, and placed a portion of Metro’s property within the surrounding “Impact Area,” leading to application of the PAM-IA overlay to that portion of Metro’s property. See MCC 33.5715(F) (defining “Impact Area” as “The area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site”); MCC 33.5715(M) (defining

“Significant Site,” in part, as “A site containing either significant aggregate resources or significant mineral resources”).



Extent of PAM-IA in red hash-marks (source, Multnomah County)

The Goal 5 process that led to application of the PAM-IA overlay to a portion of Metro’s property is documented in the 1996 *West Hills Reconciliation Report* (“Report” or “WHRR”) (Exhibit B.20). The Report primarily consists of an ESEE (Economic, Social, Environmental and Energy) analysis, which is required to determine the significance of Goal 5 resources, the level of protection required, and how to address conflicting uses (OAR 660-16).

Through the ESEE process, the Angell Brothers quarry was designated a significant Goal 5 resource, meaning it is “[a] site containing either significant aggregate resources or significant mineral resources.” MCC 33.5715(M).

### **The Impact Area**

As a result of that designation on the Angell Brothers quarry, the County had to identify an “Impact Area” surrounding the resource site to include “[t]he area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site.” MCC 33.5715(F). The County identified a 1,200 foot impact area (PAM-IA overlay) surrounding the Angell Brothers quarry, and the justifications for applying the 1,200 foot PAM-IA overlay are provided in Part IV of the Report (particularly, pg. IV-18).

In particular, a large impact area was initially identified because “no analysis had been completed on the identified conflicting Goal 5 resources.” (WHRR, IV-17). However, the conflicting Goal 5 resources were subsequently identified, “by a separate ESEE analysis, each with their individual impact area.” The WHRR further considered noise and dust impacts from the mining operation in identifying the appropriate impact area:

“A study by Daly, Standlee & Associates dated September 25, 1992 to evaluate compliance of DEQ noise regulations of a proposed mining expansion with respect to surrounding residences indicated there would be no violation of the DEQ standards during phases I and II of the operation proposed at that time. The study also indicated that there would be violations of those standards without mitigation measures during phases III and IV. The nearest residence to phases I and II (no noise impact) is located 1,200 feet away from that proposed operation area, and residence located most distant from phases III and IV (noise impact) is 600 feet away. The point at which DEQ noise standards are exceeded, therefore, is somewhere between 1,200 and 600 feet from the active mining site. Lacking information regarding the exact distance of that point, a 1,200 foot impact area is appropriate to consider noise issues.” (WHRR IV-18)

As a result, the PAM-IA overlay extends a minimum of 1,200 feet in all directions around the Angell Brothers quarry site, which covers a portion of Metro’s Burlington Creek Forest property.

### **Conflicting Uses in the Impact Area**

After identifying the Impact Area, the County was required to identify “conflicting uses” in that area to determine whether to allow, limit, or prohibit those uses. Conflicting uses are those that “could adversely affect operations at a protected aggregate and mineral resource site” or that qualify as “another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.” MCC 33.5715(A) (defining “conflicting uses”). As the WHRR explained, “[i]dentifying conflicting uses [was] primarily done by examining uses authorized by zoning districts within the impact area,” including uses in the Commercial Forest Use (“CFU”) zone.

“Parks and campgrounds” were identified in the list of “Allowed Uses that May Conflict, but [are] Unlikely to Occur.” (WHRR IV-23 to IV-24). Generally, uses on that list either met the DEQ definition of noise sensitive property or were “uses that could be adversely affected by dust or traffic resulting from mining activities.” (WHRR IV-23). However, the Report concluded that the uses identified in that list were “unlikely to be sited within the impact area.” (WHRR IV-23).

Nonetheless, in the Resource Analysis Summary on page IV-38 under General Conclusions item a. iv. states that the “allowed uses that may conflict, but are unlikely to occur” should be prohibited in the impact area:

"The list of conflicting uses that are described as 'allowed uses that may conflict, but are unlikely to occur' (Section B.3.c.) should not be included in the list of allowed uses in the mapped impact that may be made part of any subsequent aggregate resource protection program; thereby, assuring that there will be no conflict."

That same conclusion is reflected in Chapter VI of the Reconciliation portion of the Report, which specifies a protection program to resolve conflicts between identified Goal 5 resources and conflicting uses. Section 3 includes uses that should be 'Fully Allowed', 'Uses Conditionally Allowed', and 'Uses Not Allowed' in the impact area surrounding the Angell Brothers quarry. ‘Parks and campgrounds’ are among the Uses Not Allowed in the impact area. (WHRR VI-22).

### **“Parks and campgrounds” Prohibited in the PAM-IA Overlay**

The applicant asserts that the trails Metro is proposing in the PAM-IA overlay in the Burlington Creek Forest are not the type of “park” use that is prohibited in the PAM-IA overlay. The applicant asserts that the proposed trails within the PAM-IA are recreational facilities that do not conflict in the PAM-IA overlay. Alternatively, the applicant argues that the type of “park” use prohibited in

the PAM-IA overlay is a use that is not pass-through or transitory in nature like the trails Metro is proposing, and instead covers uses where people tend to congregate and linger, such as ball fields, play grounds, sport courts/areas, golf courses, and similar uses.

As discussed in Section 2.03 of this staff report, staff does not agree that the trails Metro is proposing qualify as the “Use Fully Allowed” in the impact area described in part as “[p]hysical alterations to the land auxiliary to forest practices, including \* \* \* recreational facilities.” (WHRR VI-21). The term “auxiliary” is defined in both state law and County Code to mean, in part, uses that are “temporary in nature” and that “shall be removed when the particular forest practice for which it was approved is concluded.” MCC 33.2010; *see also* OAR 660-006-0025(2)(d) (using similar definition). Because Metro has not proposed to make any of its trails in Burlington Creek Forest “temporary” or subject to removal at a later date, those trails do not qualify as “auxiliary to forest practices.”

However, as explained below, staff agrees with the applicant that the phrase ‘parks and campgrounds’ was not intended to cover the type of park use Metro is proposing in the PAM-IA overlay (specifically recreational trails) and that Metro therefore has not proposed a “[u]se identified through the Goal 5 process to be prohibited within the Impact Area” as described in this standard.

The process of creating the WHRR began in September 1994 (Ordinance 797, Exhibit B.13), and the PAM-IA standards were first adopted in 1994 by Ordinance 804 (Exhibit B14). The text of those standards has not changed since 1994. At that time, parks were listed as Community Services uses under MCC 11.15.7020. It is important to consider the manner in which ‘parks’ were described as a community service use in 1994:

*“MCC 11.15.7020 USES*

*Except as otherwise provided in MCC .2012, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.*

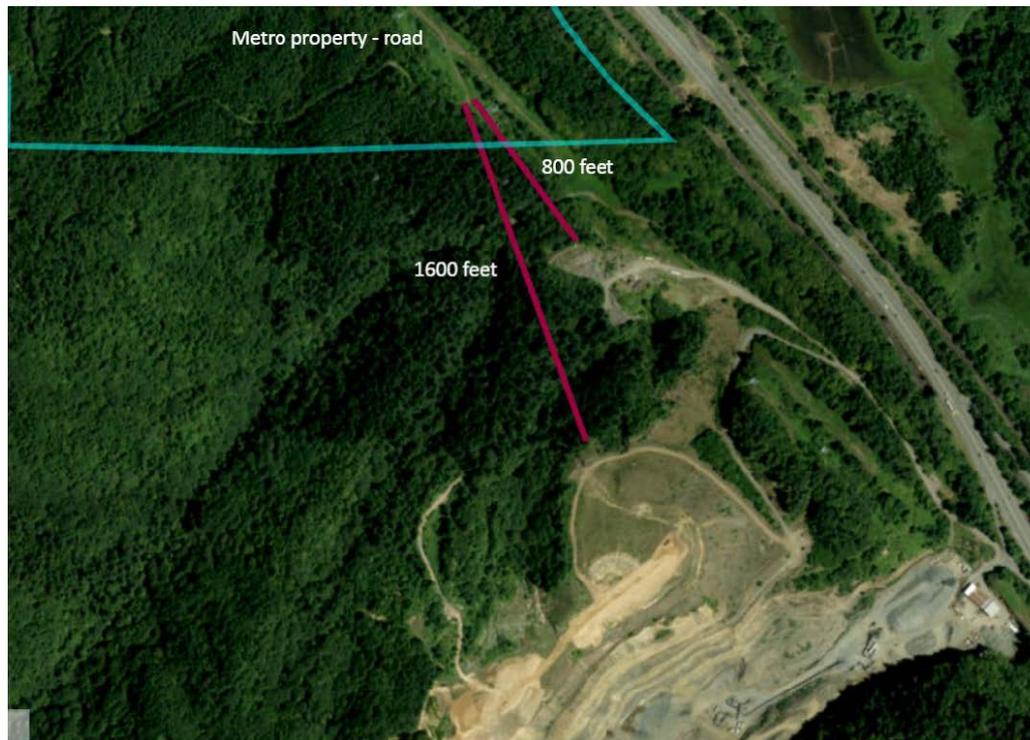
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*(10) Park, playground, sports area, golf course or recreational use of a similar nature.”* (Exhibit B.16).

The list of community service uses was added in 1982 (Exhibit B.16), at a time when much of the territory that was under Multnomah County’s planning authority was unincorporated urban area (Exhibit B.22). Staff finds that for the purposes of the WHRR, the type of park contemplated as a prohibited use would have resembled an urban park where visitors tend to linger for extended periods of time pursuing activities such as baseball and picnics. That conclusion is further supported by the description of what would qualify as a conflicting “park” in the WHRR, being “land extensive uses that are categorized by the Comprehensive Plan as Minor Community Facilities (Plan Policy #31) \* \* \*.” (WHRR IV-24). Minor Community Facilities in the Comprehensive Plan included parks, churches, and neighborhood recreation centers, whereas Minor *Regional* Facilities included “regional parks.” (Exhibit A.8). In other words, the WHRR appeared to prohibit smaller, community parks where people would spend more time in one place, as opposed to larger regional parks like what Metro is proposing where visitors would pass through the area. In addition, although the trails Metro is proposing do not qualify as recreational facilities that are auxiliary to forest practices, they are more similar to those types of recreational facilities, which do not conflict with the Angell Brothers quarry, than they are to the types of parks described as conflicting in the WHRR. The trails Metro has proposed within the PAM-IA overlay in the

	<p>Burlington Creek Forest are intended to be used to pass through the area, rather than as a place to remain for an extended period. Therefore, Metro’s proposal is not the kind of “park” prohibited in the PAM-IA overlay.</p> <p>The proposed recreational trails in the PAM-IA overlay in Burlington Creek Forest are not a use identified through the Goal 5 process to be prohibited within the Impact Area. <i>The standard is met.</i></p>
7.06	<p><b>(B) Noise or dust sensitive uses not prohibited in (A) may be permitted under the conditional use procedural provisions of MCC 33.6300 through 33.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 33.5740 and the approval criteria of the underlying district; and</b></p> <p><b>Staff:</b> This standard describes how “noise or dust sensitive uses” should be reviewed in the PAM-IA overlay. A “noise sensitive use” is defined, in relevant part, as “a conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensitive uses during their period of use.” MCC 33.5715(H). The definition of “dust sensitive use” is the same as for “noise sensitive use” in all material respects. MCC 33.5715(B). The definitions of ‘noise sensitive use’ and ‘dust sensitive use’ are listed in MCC 33.5715 (see Section 7.03 above). The proposed recreational trails in the PAM-IA overlay in Burlington Creek Forest are neither noise nor dust sensitive uses because the trails are not ‘primarily used for habitation.’ <i>Subsection (B) is not applicable.</i></p>
7.07	<p><b>(C) Conflicting uses required by the Goal 5 process to be conditionally approved may be permitted under the procedural provisions of MCC 33.6300 through 33.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 33.5740 and the approval criteria of the underlying district.</b></p> <p><b>Applicant (Exhibit A.3):</b>  <i>“Applicant is not proposing a conflicting use required by the Goal 5 process to be conditionally approved. § 33.5715(A) defines ‘Conflicting Use’ as ‘a use authorized in the underlying zone which, if allowed, could adversely affect operations at a protected aggregate and mineral resource site. As used in this subsection, a conflicting use is also another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.’</i></p> <p><i>The nearest use activities adjacent to the existing quarry is the forest practices road, upon which recreational uses are currently made and will continue so. Trail use is not a conflicting use, but rather a Goal 4 protected and encouraged use on resource land. Trail use is passive, localized, and has no off-site impacts to a quarry operation. Also, the mining operation further to the south does not impact the trail use. The location of the trail is separated from the quarry operation by mature timber lands, a substantial distance, and significant elevation gains and losses.</i></p>

Figure 19 PAM use



*All new trail alignments are within the boundaries of the current forest road and no closer to the existing quarry operation. The quarry operation will not be impacted or adversely altered in any manner by the trail system.”*

**Staff:** This standard provides the procedures for approving “conflicting uses” required to be conditionally approved. A “conflicting use” is defined as “A use authorized in the underlying zone which, if allowed, could adversely affect operations at a protected aggregate and mineral resource site. As used in this subsection, a conflicting use is also another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.” MCC 33.5715(A). The proposed trails in the PAM-IA overlay are not a conflicting use because the trails are not ‘...another inventoried significant Goal 5 resource’ (pages IV-27 and IV-28 of WHRR – Exhibit B.20). Trails are also not a use that could adversely affect operations at the Angell Brothers quarry for the same reason as above. Trails are not identified as a conflicting use because they do not qualify as a conflicting “park” use or fall within any of the other categories of conflicting uses. *Subsection (C) is not applicable.*

**7.08 § 33.5740 USE APPROVAL CRITERIA**

**(A) In acting to approve a Conditional Use subject to these provisions, the Hearing Authority shall find that:**

- (1) The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;**
- (2) The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this chapter, or the terms of a state agency permit. The applicant for a new noise sensitive use shall submit an analysis prepared by an engineer or other qualified person, showing that applicable DEQ noise control**

**standards are met or can be met by a specified date by the nearby mining operation; and**

**(3) Any setbacks or other requirements imposed through the Goal 5 process have been met, or can be met by a specified date.**

**(B) Approval Conditions.**

**(1) Compliance with the use approval criteria may be satisfied through the imposition of clear and objective conditions of approval.**

**(2) Approval of any conflicting use in the extraction area or impact area shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions, and an agreement not to object to the conduct of lawful operations conducted at the nearby surface mine.**

**Applicant:**

*“These use approval standards assume that either a noise sensitive, dust sensitive, or conflicting use is proposed. As demonstrated above, applicant is not proposing a noise sensitive, dust sensitive, or conflicting use...”*

**Staff:** Staff concurs. *See MCC 33.5735(B) and (C) (providing that noise sensitive uses, dust sensitive uses and conflicting uses must be reviewed under MCC 33.5740). The proposed recreational trails are not required to be reviewed under MCC 33.5740. The standards are not applicable.*

**8.00 Lot of Record**

**Staff Note:** The Burlington Creek Forest development application proposes new uses and development in the CFU-1 zone. MCC 33.2015 provides that, in the CFU-1 zone, “No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.2035 *when found to comply with MCC 33.2045 through 33.2110.*” Because Metro is proposing new uses and development in the CFU-1 zone, it must show that those uses and development comply with MCC 33.2045 through 33.2110. Within that range of Code is a requirement that development occur on a “Lot of Record,” as defined in MCC 33.0005. *See MCC 33.2075.* Therefore, this section of the staff report analyzes whether the properties where new uses and development are proposed in the Burlington Creek Forest unit qualify as a Lot of Record. Properties within the Burlington Creek Forest unit that will not have a new use or development established on them are not subject to Lot of Record review in the current application.

**8.01 § 33.0005 DEFINITIONS**

**\* \* \***

**Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable**

**zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.**

**(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**

**(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:**

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

**(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.**

- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- 2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.**

**Staff:** This standard requires the County to determine whether the properties being developed, when created or reconfigured, (1) met all applicable zoning laws and (2) met all applicable land division laws.

Here, the development will occur on multiple properties throughout the Burlington Creek Forest unit. As shown in the Burlington Creek Forest Natural Park Overview Map and the Trail Layout – North, Central, and South, the trail system will be located east of McNamee Road and south of the Union Railway (Exhibit A.3.40). A majority of the trailhead improvements and trail system are located within the Burlington Subdivision [Exhibits B.86 and B.87]. The remainder of the trail system is located on a 139.64-acre property adjacent to Burlington Subdivision (2N1W20 -00400 -Exhibit B.87).

This section provides a Lot of Record analysis for the following properties where development is proposed (also see Exhibit B.89):

- (1) Burlington Subdivision:
  - Block 21: Lots 1 through 16 (3.99 acres)

- Block 22: Lots 1 through 10 (2.39 acres)
  - Block 23: Lots 1 through 5 and Lots 7 through 13 (4.16 acres)
  - Block 26: Lots 1 through 11(7.93 acres)
  - Block 28: Lots 1 through 14 (4.63 acres)
  - Block 29: Lots 1 through 17 (6.17 acres)
  - Block 38: Lots 1 through 5 (5.51 acres)
  - Block 39: Lots 1 through 13 (6.9 acres)
  - Block 40: Lots 1 through 15 and Lots 17 through 19 (3.93 acres)
  - Block 42: Lots 1, 2 and 3 (3.6 acres)
  - Block 43: Lots 1 through 8, and Parcel A (8.45 acres)
  - Block 44: Lots 1 and 2 (0.74 acres)
- (2) Tax Lot 400, 2 North, 1 West, Section 20

**(1) The Burlington Subdivision Group**

**(A) Creation – Satisfaction of Applicable Zoning and Land Division Laws**

In analyzing the Burlington Subdivision Group, the first part of the standard requires an analysis of whether the relevant lots satisfied the applicable zoning and land division laws when created. The Burlington Subdivision was reviewed, approved, and platted on March 24, 1909 by the Ruth Trust Company (Exhibit A.11.4). At that time, the County did not have zoning or land division laws.

*When the Burlington Subdivision was created on March 24, 1909, there were no applicable zoning or land division laws in effect. For the Burlington Subdivision Group, this part of the standard is met.*

**(B) Reconfiguration – Satisfaction of Applicable Zoning and Land Division Laws**

In analyzing the Burlington Subdivision Group, the second part of the standard requires an analysis of whether the lots satisfied the applicable zoning and land division laws when reconfigured. Some of the lots within the Burlington Subdivision Group were reconfigured at two different points: (i) in 1949 and (ii) in 1990.

(i) **The 1949 Reconfiguration**

<b>Exhibit</b>	<b>Instrument</b>	<b>Seller</b>	<b>Buyer</b>	<b>Recording Date</b>
A.11.4 - Metro Exhibit 19 Documentation Page 2n1w20-00400 (Agency)	Deed recorded in Book 1328, Page 246-251  Zoning: N/A	Highway Home Company	H.F. Scritsmier	April 6, 1949

The first deed provided by the applicant was recorded between the Home Highway Company (seller) and H.F. Scritsmier (buyer) in Book 1328, Page 246-251 on April 6, 1949 (Exhibit A.3.35 - Metro Exhibit 18 Documentation Page 2n1w20-00400 (Agency)). Of the Burlington Subdivision Group properties, the deed conveyed the following lots within the Burlington Subdivision:

- Block 19: All of Block 19, except highway right-of-way
- Block 20: All of Block 20

- Block 21: All of Block 21, excepting Lots 2, 3, 4, and 16
- Block 22: All of Block 22
- Block 23: All of Block 23, except Lot Number 6
- Block 24: All of Block 24, except Lot 3
- Block 25: All of Block 25, except Lot 1, 2, 3, 4, 5 ,6, 7, 9, and 12
- Block 26: All of Block 26
- Block 27: All of Block 27
- Block 28: All of Block 28
- Block 29: All of Block 29
- Block 36: All of Block 36
- Block 37: All of Block 37
- Block 38: All of Block 38
- Block 39: All of Block 39
- Block 40: All of Block 40, except Lot 16
- Block 41: All of Block 41
- Block 42: All of Block 42
- Block 43: All of Block 43
- Block 44: All of Block 44

The deed also included lots within other Blocks that are not subject to development and not part of the Lot of Record review.

When the lots were conveyed in 1949, the County did not have zoning or land division laws.

*The lots within the Burlington Subdivision were conveyed unchanged from Highway Home Company to H.F. Scritsmier. The lots within the Burlington Subdivision satisfied all applicable zoning laws and satisfied all applicable land division laws in effect at that time.*

(ii) The 1990 Reconfiguration

Exhibit	Instrument	Seller	Buyer	Recording Date
A.3.35 - Metro Exhibit 18 Documentation Page Lot of Record Documentation for tax lots	Deed recorded in Book 2296, Page 2833-2836  Zoning: MUF-19	H.F. Scritsmier	Agency Creek Management Co.	April 30, 1990

Subsequently, Agency Creek Management Company purchased many of the lots within the Burlington Subdivision. The applicant has provided a statutory special warranty deed, recorded in Book 2296, Page 2833 on April 30, 1990 that describes multiple lots within the Burlington Subdivision that were owned by Agency Creek Management Company (Exhibit A.3.35 - Metro Exhibit 18 Documentation Page Lot of Record Documentation for tax lots). For the Burlington Subdivision Group properties, the statutory special warranty deed describes the property as:

Parcel 1 (outlined in Blue in Exhibit A.3.35):

- Block 19: except those portions taken for establishment of N.W. St. Helens Road
- Block 20: All of Block 20
- Block 21: Lots 1 through 16
- Block 22: Lots 1 through 10

- Block 23: Lots 1 through 5 and Lots 7 through 13
- Block 24: Lots 1, 2, and 4 through 11
- Block 25: Lot 8 and Lots 10 through 19
- Block 26: All of Block 26
- Block 27: Lot 1 and 2
- Block 28: Lots 1 through 14
- Block 29: Lots 1 through 17
- Block 36: Lots 1 through 14
- Block 37: Lots 1 through 7
- Block 38: Lots 1 through 5
- Block 39: Lots 1 through 13
- Block 40: Lots 1 through 15 and Lots 17 through 19
- Block 41: Lots 1 through 5
- Block 42: Lots 1, 2 and 3
- Block 43: Lots 1 through 8
- Block 44: Lots 1 and 2

The deed also included lots within other Blocks, which are not subject to development and not part of the Lot of Record review. The deed did not include Block 24, Lot 3 or Block 25, Lots 1-7, but Metro separately acquired those properties, as discussed below.

At that time (1990), the zoning for the lots was Multiple Use Forest – 19 (MUF-19) as shown on the Sectional Zoning Map adopted on August 14, 1980 under Ordinance 238 and October 13, 1983 under Ordinance 395 (Exhibits B.50 and B.51 – Zoning Maps 2n1w20SW1/4 and Zoning Maps 2n1w20NW1/4). The minimum lot size for the MUF-19 zone was 19 acres (Exhibit B.52 – Zoning Code for MUF). The conveyed lots were all below the minimum lot size of 19 acres; however, the lots did not change configuration, except for purposes of widening of McNamee Road the description changed in order to properly describe the expanded right of way area. However, this did not change the underlying subdivision lots. At the time the lots were conveyed in 1990, the lots were unchanged.

*At the time of the transfer in 1990, the Burlington Subdivision Group lots within the Burlington Subdivision were unchanged from their original description in 1909, and satisfied all applicable land division laws in effect at that time.*

(C) Metro’s Purchase of the Burlington Subdivision Group Properties (Except Block 24, Lot 3 and Block 25, Lots 1-7)

Exhibit	Instrument	Seller	Buyer	Recording Date
A.3.35- Metro Exhibit 18 Documentation Page Lot of Record Documentation for tax lots	Special Warranty Deed recorded as 2000-007612  Zoning: Commercial Forest Use-1 (CFU- 1)	Agency Creek Management Co.	Metro	January 20, 2000

The Burlington Subdivision Group properties (except Block 24, Lot 3 and Block 25, Lots 1-7) were purchased by Metro through a special warranty deed, recorded 2000-007612 on January 20, 2000. At that time, the zoning was Commercial Forest Use – 1 (CFU-1) as shown in Exhibit B.53 – Multnomah County West Hills CFU Districts (Exhibit D to Ordinance 916, adopted August 8, 1998). The minimum lot size for this zone was 80 acres (Exhibit B.54 – Zoning Code for CFU-1). The conveyed lots were all below the minimum lot size of 80 acres; however, the lots did not change configuration from how they were described in 1909.

*Within the Burlington Subdivision, the following lots conveyed to Metro were unchanged from the originally platted subdivision in 1909 and there were no applicable zoning laws or land division laws in effect at that time:*

- *Block 19: except those portions taken for establishment of N.W. St. Helens Road*
- *Block 20: All of Block 20*
- *Block 21: Lots 1 through 16*
- *Block 22: Lots 1 through 10*
- *Block 23: Lots 1 through 5 and Lots 7 through 13*
- *Block 24: Lots 1, 2, and 4 through 11*
- *Block 25: Lot 8 and Lots 10 through 19*
- *Block 26: All of Block 26*
- *Block 27: Lot 1 and 2*
- *Block 28: Lots 1 through 14*
- *Block 29: Lots 1 through 17*
- *Block 36: Lots 1 through 14*
- *Block 37: Lots 1 through 7*
- *Block 38: Lots 1 through 5*
- *Block 39: Lots 1 through 13*
- *Block 40: Lots 1 through 15 and Lots 17 through 19*
- *Block 41: Lots 1 through 5*
- *Block 42: Lots 1, 2 and 3*
- *Block 43: Lots 1 through 8*
- *Block 44: Lots 1 and 2*

(D) Metro’s Purchase of Burlington Subdivision Group Properties Block 24, Lot 3 and Block 25, Lots 1-7)

Exhibit	Instrument	Seller	Buyer	Recording Date
B.56 – Deed 2005-051599	Deed recorded as 2005-051599  Zoning: Commercial Forest Use-1 (CFU-1)  Property: Block 24, Lot 3	Multnomah County	Metro	March 25, 2005

B.57 – Deed 2014-041574	Warranty Deed recorded as 2014-041574  Zoning: Commercial Forest Use-1 (CFU-1)  Property: Block 25, Lots 1-7	Don H. Joyce and Don Joyce II	Metro	May 2, 2014
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Outside of the chain of deeds described above, Metro also acquired lots within the Burlington Subdivision from other parties. Metro acquired Lot 3 in Block 24 through deed, recorded as 2005-051599 on March 25, 2005 from Multnomah County (Exhibit B.56 – Deed 2005-051599). Metro acquired Lot 1-3 and Lot 4-7 in Block 25 through a warranty deed, recorded as 2014-041574 on May 02, 2014 from Don H Joyce and Don Joyce II (Exhibit B.57 – Deed 2014-041574).

At that time (2005), the zoning for conveyed lots that are subject to this application from Multnomah County, Don H Joyce, and Don Joyce II was Commercial Forest Use – 1 (CFU-1) as shown in Exhibit B.53 – Multnomah County West Hills CFU Districts (Exhibit D to Ordinance 916, adopted on August 8, 1998). The zoning has remained unchanged since the adoption of Ordinance 916. The minimum lot size for this zone is 80 acres (Exhibit B.54 – Zoning Code for CFU-1). The conveyed lots were all below the minimum lot size of 80 acres; however, the lots did not change configuration from how they were in 1909.

*Lot 3 in Block 24 and Lot 1-3 and Lot 4-7 in Block 25 within the Burlington Subdivision that were unchanged and conveyed to Metro.*

(E) Burlington Subdivision Group Conclusion

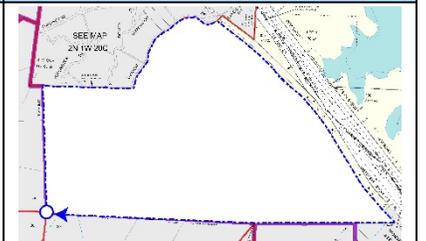
As explained above, these properties met applicable zoning and land division laws when created.

**(2) Tax lot 800, 2 North, 1 West, Section 20**

The applicant has provided a number of deeds to verify the Lot of Record status of Tax lots 400 and 800, Township 2 North, Range 1 West, Section 20. Illustrations of the history of the deeds are also shown as below.

(A) Creation – Satisfaction of Applicable Zoning and Land Division Laws

The first part of the standard requires an analysis of whether Tax Lots 400 and 800 satisfied applicable zoning and land division laws when they were created.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.3.35 - Metro Exhibit 18 Documentation Page 2n1w20-00400 (Agency).	Deed recorded in Book 1328, Page 246-251	Home Highway Company	H.F. Scritsmier	April 6, 1949	

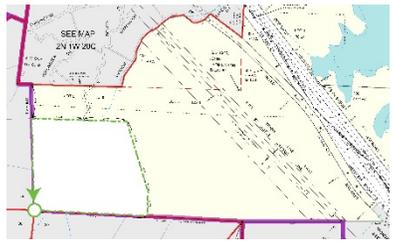
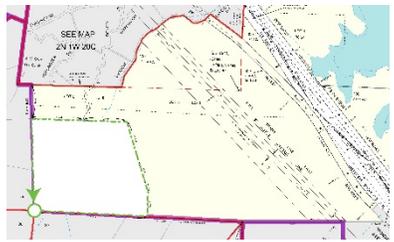
	Zoning: N/A				
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The first deed provided was recorded between the Home Highway Company (seller) and H.F. Scritsmier (buyer) in Book 1328, Page 246-251 on April 6, 1949 (Exhibit A.3.35- Metro Exhibit 18 Documentation Page 2n1w20-00400 (Agency)). The deed describes what is now known as Tax lot 400 and Tax Lot 800 as one unit of land. At the time the parcel was conveyed in 1949, the County did not have zoning or land division laws.

*When Tax Lots 400 and 800 were created, there were no applicable zoning or land division laws. As to Tax Lot 800, this part of the standard is met.*

**(B) Reconfiguration – Satisfaction of Applicable Zoning and Land Division Laws**

The second part of the standard requires an analysis of whether Tax Lots 400 and 800 satisfied applicable zoning and land division laws when reconfigured. Original Tax Lot 800 was reconfigured in 1992 through a County land division process resulting in today’s Tax Lots 400 and 800.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
Exhibit B.32 – Parcel Record and Deed	Contract of Sale recorded in Book 2568, Page 1618  Zoning: MUF-38	Agency Creek Management Co.	Friends of Forest Park	July 23, 1992	
Exhibit B.58 – Parcel Record and Deed	Deed recorded in Book 2719, Page 1631-1644  Zoning: MUF-38	Agency Creek Management Co.	Friends of Forest Park	July 23, 1992	

Subsequently, in 1992, two land use applications were submitted to the County to request a division of tax lot 400 and 800. Land use case, LD-8-92 authorized a 2-lot land division to create tax lot 800 and land use case MC-1-92 authorized the use of an easement for access of McNamee Road. Both applications were approved on by the Board of County Commissioners on June 23, 1992.

*As part of an approved 2-lot land division, tax lot 400 and 800 met all applicable zoning, and land division laws when reconfigured. As to Tax Lot 800, this part of the standard is met.*

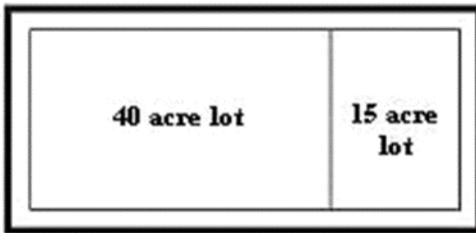
**8.02**

**MCC 33.2075 LOT OF RECORD**

**(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:**

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**
- (2) A group of contiguous parcels or lots:
  - (a) Which were held under the same ownership on February 20, 1990; and**
  - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.****

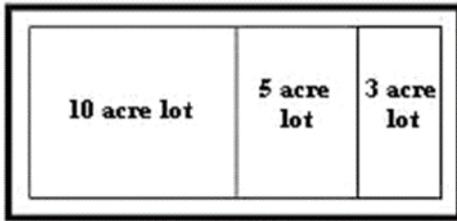
- 1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be an existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.**
- 2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.**
- 3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:**



**Example 1:  
One 55 acre Lot of Record**



**Example 2:  
One 40 acre Lot of Record and  
one 30 acre Lot of Record**



**Example 3:  
One 18 acre Lot of Record**

**4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or**

\* \* \*

**Staff:** This standard requires that contiguous parcels or lots held under the same ownership on February 20, 1990 must be aggregated to meet a 19-acre minimum lot size. In other words, if a property is under 19 acres in size, it must be aggregated for Lot of Record purposes with contiguous properties held in the same ownership as of February 20, 1990 to reach the 19-acre minimum. Tax Lot 400 is 139.64 acres and is therefore not subject to these aggregation requirements. The properties subject to the aggregation requirement are:

**Burlington Subdivision:**

- Block 21: Lots 1 through 16 (3.99 acres)
- Block 22: Lots 1 through 10 (2.39 acres)
- Block 23: Lots 1 through 5 and Lots 7 through 13 (4.16 acres)
- Block 26: Lots 1 through 11(7.93 acres)
- Block 28: Lots 1 through 14 (4.63 acres)
- Block 29: Lots 1 through 17 (6.17 acres)
- Block 38: Lots 1 through 5 (5.51 acres)
- Block 39: Lots 1 through 13 (6.9 acres)
- Block 40: Lots 1 through 15 and Lots 17 through 19 (3.93 acres)
- Block 42: Lots 1, 2 and 3 (3.6 acres)
- Block 43: Lots 1 through 8, and Parcel A (8.45 acres)
- Block 44: Lots 1 and 2 (0.74 acres)

The contracts and deeds supplied by the applicant indicate that many of the properties subject to this application were sold/conveyed multiple times. On February 20, 1990, the majority of the properties that are subject to this application were owned by H.F. Scritsmier. There were six tax lots within the Burlington Subdivision that were not owned by H.F. Scritsmier on February 20, 1990:

- 2 North, 1 West, Section 20BC
  - Tax lot 1100 (Lot 6, Block 23)
  - Tax lot 1300 (Lot 3, Block 24)
  - Tax lot 1500 (Lot 9, Block 25)
  - Tax lot 1700 (Lot 4 through 7, Block 25)
  - Tax lot 1800 (Lot 1 through 3, Block 25)
- 2 North, 1 West, Section 20BD
  - Tax lot 3800 (Lot 6, Block 40)

As required above, a Lot of Record is group of contiguous parcels, which were held under the same ownership on February 20, 1990 and individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres. The Table below shows the ownership of the various tax lots prior to and have not changed configuration since February 20, 1990. The property described as 2N1W20 -00400 is 139.64 acres.

<b>Alternative Account #</b>	<b>State ID</b>	<b>Site Size</b>	<b>Pre-1990 Tax Roll Property Owner</b>	<b>Post-1990 Tax Roll Property Owner</b>
R119904090	2N1W20B -00100	4.32	Scritsmier, H.F.	Scritsmier, H.F.
R119904320	2N1W20BC -00800	3.64	Scritsmier, H.F.	Scritsmier, H.F.
R119904480	2N1W20BC -01000	1.60	Scritsmier, H.F.	Scritsmier, H.F.
R119904580	2N1W20BC -01200	3.70	Scritsmier, H.F.	Scritsmier, H.F.
R119904710	2N1W20B -00200	1.34	Scritsmier, H.F.	Scritsmier, H.F.
R119904730	2N1W20BC -01300	0.19	Newberg, Selma	Multnomah County
R119904820	2N1W20BC -01800	0.95	Kramer, Alma	Kramer, Alma
R119904850	2N1W20BC -01700	0.69	Joyce, Don II	Joyce, Don II
R119904890	2N1W20BC -01600	0.24	Scritsmier, H.F.	Scritsmier, H.F.
R119904910	2N1W20BC -01400	2.95	Scritsmier, H.F.	Scritsmier, H.F.
R119905010	2N1W20B -00300	7.49	Scritsmier, H.F.	Scritsmier, H.F.
R119905250	2N1W20BC -00900	0.53	Scritsmier, H.F.	Scritsmier, H.F.
R119905270	2N1W20B -00500	4.06	Scritsmier, H.F.	Scritsmier, H.F.
R119905410	2N1W20BD -03700	5.54	Scritsmier, H.F.	Scritsmier, H.F.
R119905580	2N1W20C -00100	5.84	Scritsmier, H.F.	Scritsmier, H.F.
R119905720	2N1W20C -00200	3.10	Scritsmier, H.F.	Scritsmier, H.F.
R119905790	2N1W20C -00300	5.22	Scritsmier, H.F.	Scritsmier, H.F.
R119905890	2N1W20C -00400	6.72	Scritsmier, H.F.	Scritsmier, H.F.
R119906110	2N1W20B -00600	3.19	Scritsmier, H.F.	Scritsmier, H.F.
R119906300	2N1W20B -00400	1.13	Scritsmier, H.F.	Scritsmier, H.F.
R119906350	2N1W20C -00500	3.03	Scritsmier, H.F.	Scritsmier, H.F.
R119906410	2N1W20C -00600	7.81	Scritsmier, H.F.	Scritsmier, H.F.
R119906570	2N1W20C -00700	0.62	Scritsmier, H.F.	Scritsmier, H.F.
<b>Adjacent Properties Not Subject To This Application</b>				
R119904630	2N1W20BC -01100	0.37	Portland General Electric	Portland General Electric
R119904900	2N1W20BC -01500	0.27	Portland General Electric	Portland General Electric
R119906260	2N1W20BD -03800	0.19	Burlington Water District	Burlington Water District

Tax lot 1300, 1700, and 1800 located in 2 North, 1 West, Section 20BC are 0.19 acres, 0.69 acres, and 0.95 acres, respectively. Each of those tax lots are smaller than 19 acres requirement and all of those lots were in the same ownership as of February 20, 1990. Tax lot 1700 is comprised of Lot 4 through 7 within Block 25 and tax lot 1800 is comprised of Lot 1 through 3 within Block 25. Each of those tax lots are smaller than 19 acres requirement. The individual lots within tax lot 1700 and 1800 are also smaller than the 19-acre requirement. Therefore, Lot 4 through 7 within Block 25 are aggregated

together to comply with the minimum 19 acre lot size and Lot 1 through 3 within Block 25 are also aggregated together to comply with the minimum 19 acre lot size.

*Tax lot 1300 (Lot 3, Block 24), Tax lot 1700 (Lot 4 through 7, Block 25), and Tax lot 1800 (Lot 1 through 3, Block 25) are each separate legal parcels. Tax lot 1700 is comprised of Lot 4 through 7 within Block 25, which together aggregate to create one lot of record. Tax lot 1800 is comprised of Lot 1 through 3 within Block 25, which together also aggregate to create one lot of record. Each of the three tax lots are separately aggregated from each other and the properties owned by H.F. Scritsmier in order to comply with the minimum lot size of 19 acres.*

Tax lot 1100 (Lot 6, Block 23), 2 North, 1 West, Section 20BC; tax lot 1500 (Lot 9, Block 25), 2 North, 1 West, Section 20BC; and tax lot 3800 (Lot 6, Block 40), 2 North, 1 West, Section 20BD are 0.37 acres, 0.27 acres, and .019 acres. Each of those tax lots, comprised of one lot each are smaller than 19 acres requirement. Each of those lots are an individual Lot of Record and were not owned by H.F. Scritsmier on February 20, 1990, therefore they are not aggregated with those properties.

*Tax lots 1100 (Lot 6, Block 23), 2 North, 1 West, Section 20BC; tax lot 1500 (Lot 9, Block 25), 2 North, 1 West, Section 20BC; and tax lot 3800 (Lot 6, Block 40), 2 North, 1 West, Section 20BD are each separate lots and are not aggregated with each other and the properties owned by H.F. Scritsmier. Separately they are considered three Lots of Record.*

Based on the table above, the remainder of the properties was owned by H.F. Scritsmier. All of the lots are below the 19-acre minimum lot size requirement. The lots are required to be aggregated to meet the 19-acre minimum lot size. The lots can be configured into multiple different groupings to ensure that the 19-acre minimum lot size is met, therefore to ensure that the Lot of Record for any proposed grouping is maintained, the applicant has proposed the configuration noted in Exhibit B.79. The configurations represent three aggregated Lots of Record in addition to the 139.77 acre Lot of Record described as 2N1W20 Tax Lot 00400. *These criteria are met.*

**(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.**

**Staff:** None of the parcels or lots subject to the Lot of Record review were created by partition or subdivision plat after February 20, 1990. *This criterion is not applicable.*

**(4) Exceptions to the standards of (A)(2) above:**

**(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.**

**(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.**

**Staff:** The lots that are subject to the Lot of Record aggregation standards in this application do not contain any lawfully established habitable dwellings. The lots are currently vacant. Additionally, none of the lots were part of an approval for a “Lot of Exception.” *These criteria are is not applicable.*

**(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:**

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;
- (7) August 8, 1998, CFU-1 zone applied, Ord. 916 (reenacted by Ord. 997);
- (8) May 15, 2002, Lot of Record section amended, Ord. 982 & reenacted by Ord. 997;

**Staff:** Criterion (B) does not affect the determination on this case. *This criterion is not applicable.*

**(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**Staff:** The four Lots of Record comprising the bulk of the Burlington Creek Subdivision are as follows:

Lot of Record Comprised of the following tax lots:	Total Acres
2N1W20 -00400	139.77
Burlington	21.76
Block 20, Lots 1 – 22 R119904090 4.53 acres	
Block 21, Lots 1 – 16 R119904320 3.99 acres	
Block 22, Lots 1 – 10 R119904480 2.39 acres	
Block 23, Lots 1 – 5, 7 – 13 R119904580 4.16 acres	
Block 27, Lots 1 – 2 R119905250 0.72 acres	
Block 28, Lots 1 – 14 R119905270 4.63 acres	
Block 41, Lots 1 – 5 R119906300 1.34 acres	
Burlington	27.04

<p>Block 29, Lots 1 – 17 R119905410 6.17 acres</p> <p>Block 36, Lots, 1 – 14 R119905580 6.62 acres</p> <p>Block 37, Lots 1 – 7 R119905720 3.42 acres</p> <p>Block 39, Lots 1 – 13 R119905890 6.9 acres</p> <p>Block 40, Lots 1 – 15, 17 – 19 R119906110 3.93 acres</p>		
<p>Burlington</p> <p>Block 26, Lots 1 – 11 R119905010 7.93 acres</p> <p>Block 38, Lots 1 – 5 R119905790 5.51 acres</p> <p>Block 42, Lots 1 – 3 R119906350 3.6 acres</p> <p>Block 43, Lots 1 – 8 R119906410 8.45 acres</p> <p>Block 44, Lots 1 – 2 R119906570 0.74 acres</p>	26.23	

The minimum lot size to create a new parcel in the CFU-1 zone is 80 acres. Therefore, the Lots of Record are subject to subsection (C) above. As such, it may be occupied by any allowed, review or conditional use when in compliance with the other requirements of this district provided that it remains a Lot of Record. *This criterion is met.*

- (D) The following shall not be deemed a Lot of Record:**
- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
  - (2) An area of land created by the foreclosure of a security interest;**
  - (3) A Mortgage Lot;**
  - (4) An area of land created by court decree.**

**Staff:** Criterion (D) does not affect the determination on this case as the applicant is not relying on tax lot determinations as the basis for the Lot of Record determination. In addition, none of the lots or parcels are an area of land created by the foreclosure of a security interest, a Mortgage Lot or an area of land created by court decree. *These criteria are met.*

Off-Street Parking and Loading Standards:

<p>9.01</p>	<p><b>§ 33.4100- PURPOSE</b></p> <p>The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.</p> <p><b>§ 33.4105 GENERAL PROVISIONS</b></p> <p>In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section. For nonconforming uses, the objectives of this section shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.</p> <p><b>§ 33.4110 O-P CLASSIFICATION</b></p> <p>Land classified as Off-Street Parking and Loading (O-P) on the Zoning Map shall not be used for any purpose other than off-street parking and loading without a change of district.</p> <p><b>§ 33.4115 CONTINUING OBLIGATION</b></p> <p>The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.</p> <p><b>Staff:</b> Recommended condition of approval E.5 establishes that the property owner shall maintain off-street parking facilities and spaces without charge or other consideration for the parking of vehicles of customers, occupants, and employees. These continuing obligations can be met through establishment of an on-going condition of approval.</p> <p><b>§ 33.4120 PLAN REQUIRED</b></p> <p>A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each</p>
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	<p><b>application for approval of a building or other required permit, or for a change of classification to O-P.</b></p> <p><b>Staff:</b> The proposed nature park, including the uses proposed within that park, is a change in the use of land for the Burlington Creek Forest unit properties. The change in use of the land will be more intensive because the park use results in more visitation to the site over the existing use, which is forestry as indicated by the expected increase in daily trips (Exhibit A.15.2). Additionally, a new building, the restroom building, is proposed. The change in use and the new restroom building are subject to the off-street parking provisions. The applicant’s parking plan is provided as Exhibit A.3.37. No part of the Burlington Creek Forest contains the O-P overlay.</p>
<p><b>9.02</b></p>	<p><b>§ 33.4125 USE OF SPACE</b></p> <p><b>(A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.</b></p> <p><b>(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.</b></p> <p><b>(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.</b></p> <p><b>(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.</b></p> <p><b>(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.</b></p> <p><b>Staff:</b> The proposed parking spaces are intended for use by trail users and Metro employees. The applicant has not proposed parking fees. Condition E.4 ensures compliance with the applicant’s proposal by requiring the applicant to provide parking without charge at the site. The applicant has not proposed any of the prohibited activities described in subsection (B) – which include parking of trucks, equipment, materials, structures or signs or the conducting of any business activity on any required parking space – and Condition E.6 is imposed to ensure compliance with that provision. Subsection (C) describes the uses that must be available in a “required loading space.” As explained in Section 9.22 below (MCC 33.4210), no loading space is required for the proposed use because loading spaces generally are required for those uses that buy and/or sell goods such as stores or manufacturing sites, and the Planning Director has determined that no such loading space is required for the proposed use. Because there is no required loading space, subsection (C) is not applicable. For that same reason, subsections (D) and (E), which also relate to the use of a loading space, are not applicable. <i>As conditioned, subsections (A) and (B) of this standard are met. Subsections (C), (D), and (E) of this standard are not applicable.</i></p>
<p><b>9.03</b></p>	<p><b>§ 33.4130 LOCATION OF PARKING AND LOADING SPACES</b></p>

**(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.**

**(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:**

**(1) Parking use of the alternate site is permitted by this Ordinance;**

**(2) The alternate site is within 350 feet of the use;**

**(3) There is a safe and convenient route for pedestrians between the parking area and the use;**

**(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,**

**(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.**

**(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.**

**Staff:** This standard provides that required parking spaces and maneuvering areas must be located on the lot of the use served by those spaces, unless the Planning Director finds that the spaces may be located elsewhere. Here, the propose use spans multiple lots, but the proposed parking area and associated maneuvering area will be located on the same tract as the trailhead, which is where use of the site is most likely to originate. The location of the parking area therefore is consistent with the intent of the standard, which is to locate the parking area on the same lot as the associated use. (Exhibit A.3.37). As noted, there are no loading spaces proposed, so subsection (C) of this standard is not applicable. *The standard is met.*

**9.04**

**§ 33.4135 IMPROVEMENTS REQUIRED**

**(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 33.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.**

	<p><b>(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.</b></p> <p><b>Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.</b></p> <p><b>Staff:</b> The applicant has proposed to make improvements to the required parking areas before beginning use of the site improvements. (Exhibit A.3, page 48). Condition E.7 ensures compliance with this standard by requiring completion of the improvements to the parking areas prior to the issuance of a Certificate of Occupancy as applicable. <i>As conditioned, the standard is met.</i></p>
<p><b>9.05</b></p>	<p><b>§ 33.4140 CHANGE OF USE</b></p> <p><b>(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.</b></p> <p><b>(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“No change of use is proposed; therefore, these standards are not applicable.”</i></p> <p><b>Staff:</b> The existing use of the property is forest practices which will continue. In addition to forest practices, the applicant has proposed uses within a local public park, including recreational trails and related trailhead development, which is a change in use of the land.</p> <p>The total area involved in the change of use is 4.65 acres (1.86 acres for new trails and parking area as noted in Exhibit A.26 and 2.79 acres of recreational uses over the existing forest practices road, assuming 10 foot road width over 2.3 miles). The change in use requires the addition parking spaces, although there is no specific formula in the MCC for calculating the number of spaces required for 4.65 acres of recreational trails and related infrastructure including the parking area itself. The calculation for providing spaces is considered in Section 9.21 below.</p>
<p><b>9.06</b></p>	<p><b>§ 33.4145 JOINT PARKING OR LOADING FACILITIES</b></p> <p><b>(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.</b></p> <p><b>(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.</b></p>

	<p><b>Staff:</b> The property will be primarily used for public recreation. Existing forest practices do not require additional parking spaces. Therefore, no additional parking spaces are required for forest practices and only the requirements for public recreation apply to the parking area. No shared parking with adjoining uses, structures, or parcels of land is proposed, so (B) does not apply.</p>
<p><b>9.07</b></p>	<p><b>§ 33.4150 EXISTING SPACES</b></p> <p><b>Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.</b></p> <p><b>Staff:</b> There are no existing parking or loading spaces on the site. <i>This standard does not apply.</i></p>
<p><b>9.08</b></p>	<p><b>§ 33.4165 DESIGN STANDARDS: SCOPE</b></p> <p><b>(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single family dwelling on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 33.4170 through 33.4200.</b></p> <p><b>(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back in-to the right-of-way of a public street.</b></p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“All parking areas provide for the turning, maneuvering and parking of vehicles on the property. None of the proposed parking areas require a vehicle to back into the right-of-way of a public street. Exhibit 20 [Exhibit A.3.37]. This standard is met.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts the applicant’s proposed finding, and adds that there are no single family dwellings on any of the parcels in the Burlington Creek Forest unit, so the design standards of this section are applicable to the proposal. <i>The standard is met.</i></p>
<p><b>9.09</b></p>	<p><b>§ 33.4170 ACCESS</b></p> <p><b>(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 33.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.</b></p>

**(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:**

**(1) The authorized provider of structural fire service protection services verifies that the proposed deviation complies with such provider’s fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;**

**(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;**

**(3) Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and**

**(4) Authorization of the proposed deviation would not:**

- (a) be materially detrimental to the public welfare;**
- (b) be injurious to property in the vicinity or the zoning district in which the property is located; or**
- (c) adversely affect the appropriate development of adjoining properties.**

**(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.**

**Applicant** (Exhibit A.3): *“The parking area is served by and takes access to and from NW McNamee Road, an improved public street. The proposed access drive is not less than 20 feet in width and allows for two way traffic. Exhibit 20 [Exhibit A.3.37]. Applicant is not proposing parking in a public street to satisfy required parking requirements. This standard is met.”*

**Staff:** As relevant here, subsection (A) of this standard requires that where a parking area does not abut directly onto a public street, there must be an unobstructed driveway that is at least 20 feet wide for two-way traffic that leads to a public street. Staff concurs with and adopts the applicant’s proposed finding, as supplemented here. The proposed parking area does not abut directly onto a public street, so the applicant has proposed an unobstructed driveway for two-way traffic that leads to a public street (NW McNamee Road) and that meets the standard in subsection (A). The proposed access drive will be at least 20 feet wide over its entire length between NW McNamee Road and the proposed parking area (Exhibit A.3.37). No deviation from the standard in subsection (A) is requested, so subsection (B) does not apply. No parking or loading spaces are proposed in a public street, so subsection (C) does not apply. Directional markings are included on applicant’s supplemental parking plan (Exhibit A.26.4). *The standard in subsection (A) is met.*

**9.10**

**§ 33.4175 DIMENSIONAL STANDARDS**

**(A) Parking spaces shall meet the following requirements:**

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

**(B) Aisle width shall be not less than:**

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

**(C) Loading spaces shall meet the following requirements:**

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

**Applicant** (Exhibit A.3):

*“This standard regulates the dimensions of parking spaces required by § 33.4105 and in numbers required by § 33.4205. Of note, MCC 33.4205 does not regulate the minimum number parking spaces for the proposed recreational use. Metro is proposing 25 spaces, which is sufficient to serve anticipated users and can reasonably be supported by the topography. Exhibits 3 and 20 [Exhibits A.3.19 and A.3.37].*

*Eighteen regular spaces (18 x 9), six compact spaces (16 x 8.5) and one ADA compliant space are proposed. The width of the access drive/aisle between the parking stalls is 25 feet. Exhibit 20 [Exhibit A.3.37].*

*This standard is met or otherwise can be met through a condition of approval.”*

**Staff:** This standard sets the dimensional requirements for the required off-street parking and loading spaces. As explained below in Section 9.21 (MCC 33.4205), the required number of off-

	<p>street parking spaces is 25; as explained below in Section 9.22 (MCC 33.4210), no off-street loading spaces are required.</p> <p>The parking plan (Exhibit A.3.37) shows eighteen spaces will meet the minimum dimensional standards in subsection (A)(1) above, which is 72% of the 25 proposed spaces and therefore exceeds the requirements that at least 70% of the spaces meet those standards. Seven spaces will meet the minimum dimensional standards in subsection (A)(2) above, which is 28% of the 25 proposed spaces and therefore below the 30% maximum number of compact spaces. The applicant will be required to clearly mark the compact spaces for compact car use, and Condition I.1 addresses that issue to ensure compliance. As shown on the parking plan, the spaces will not require parallel parking, so subsection (A)(3) is not applicable. The dimensions provided by the applicant are exclusive of drives, aisles, ramps, or columns, and therefore those dimensions are compliant with subsection (A)(4).</p> <p>Subsection (B) regulates the aisle width, and requires 25 feet of aisle width for 90 degree parking, with narrower widths allowed for other types of parking. The parking plan generally shows 90 degree parking and indicates that the backing aisle will be least 25 feet, in compliance with subsection (B).</p> <p>No loading spaces are required or proposed, and subsection (C) therefore is not applicable.</p> <p>To ensure compliance, Condition I.1 requires the spaces to meet the dimensional standards in MCC 33.4175 including maintaining the required vertical clearance and marking compact parking spaces. <i>As conditioned, the standard is met.</i></p>
<p><b>9.11</b></p>	<p><b>§ 33.4180 IMPROVEMENTS</b></p> <p><b>(A) Surfacing</b></p> <p><b>(1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.</b></p> <p>* * *</p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“The proposed driveway is proposed to be paved. Exhibit 20 [Exhibit A.3.37]. This standard is met and compliance can be ensured through a condition of approval.”</i></p> <p><b>Staff:</b> The applicant indicates the driveway and parking area will be paved as indicated in Exhibit A.3.6, pdf page 44, but has indicated they would like to preserve the option for the use of gravel in some or all of the parking area (Exhibit A.26) and has stipulated to the requirement in(1) above if gravel is uses. Condition I.1 requires the parking area to meet the surfacing standard for pavement and/or the requirement in (1) above. <i>As conditioned, the standard is met.</i></p>
<p><b>9.12</b></p>	<p><b>(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize</b></p>

**alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d):**

**(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;**

**(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternate surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;**

**(c) Authorization of the proposed deviation would not:**

- 1. be materially detrimental to the public welfare;**
- 2. be injurious to property in the vicinity or zoning district in which the property is located; or**
- 3. adversely affect the appropriate development of adjoining properties; and**

**(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include, but is not limited to, such considerations as provision for pervious drainage capability, drainage run-off control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.**

**Applicant:**

*"This standard allows the approval authority to permit and authorize a deviation from the*

	<p><i>asphalt surfacing standard for required parking spaces. Specifically, the standard permits the use of gravel. At this time, applicant is not requested [sic] deviation approval for gravel. However, applicant requests a condition of approval that would permit applicant to seek permission for gravel pursuant to the standards and permission required in subsection (2) above.”</i></p> <p><b>Staff:</b> The applicant indicates the driveway and parking area will be paved as indicated in Exhibit A.3.6, pdf page 44, but has indicated they would like to preserve the option for the use of gravel in some or all of the parking area (Exhibit A.26) and has stipulated to the requirement in (1) above if gravel is used. Condition I.1 requires the parking area to meet the surfacing standard for pavement and/or the requirement in (2) above.</p>
<p><b>9.13</b></p>	<p><b>(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.</b></p> <p><b>Staff:</b> No parking fields for intermittent uses are proposed. (Exhibit A.3). <i>The standard is not applicable.</i></p>
<p><b>9.14</b></p>	<p><b>(B) Curbs and Bumper Rails</b></p> <p><b>(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.</b></p> <p><b>(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.</b></p> <p><b>(3) Except for development within the BRC, CFU-1, CFU-2 and CFU-5 zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.</b></p> <p><b>Applicant:</b></p> <p><i>“All areas for parking and maneuvering of vehicles are physically separated from public streets. There is no adjoining property that abuts a parking area. There is no lot line, dwelling, or any required fence associated with a parking area. Parking areas include wheel stops to delineate parking spaces and ensure that vehicles remain in parking spaces and prevent intrusion into the</i></p>

	<p><i>natural areas. Exhibit 20 [Exhibit A.3.37]. This standard is generally inapplicable or otherwise met.”</i></p> <p><b>Staff:</b> The proposed parking area meets subsection (1) because it will be physically separated from the public street (NW McNamee is over 200 feet from the parking area) by forest ‘landscaping’. For definition and discussion of landscaping see finding under Section 4.18. Condition E.5 requires compliance with subsection (2). Subsection (3) is not applicable in the CFU-1 zone where the parking area will be located. <i>As conditioned, this standard is met.</i></p>
9.15	<p><b>(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained. Except for development within the BRC zone, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.</b></p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“Parking spaces are delineated with a curb stop in front of each parking space to demark the individual stall. Compact parking spaces will be clearly marked. The accessible parking space will be clearly marked with a standard accessible parking sign and ADA symbol pavement marking. Exhibit 20 [Exhibit A.3.37]. This standard is met.”</i></p> <p><b>Staff:</b> The standard requires areas for the parking and maneuvering of vehicles to be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained. A graveled parking area with fewer than four required parking spaces is exempt from this requirement. The parking area in the CFU-1 zone and will contain 25 spaces. The applicant proposes to delineate the parking spaces as required by this standard. Conditions E.9 and I.1 require the parking areas to be marked as proposed and shown on the applicant’s parking plan (Exhibit A.3.37) and requires the markings to be continually maintained. <i>As conditioned, the standard is met.</i></p>
9.16	<p><b>(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.</b></p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“As demonstrated with Exhibits 4 and 20 [Exhibits A.3.20 and A.3.37], the parking area will be graded and drained into on-site detention facilities, with an outfall into an existing drainage ditch and thereafter will be absorbed into the natural on-site forest landscape. This standard is met.”</i></p> <p><b>Staff:</b> The parking plan (Exhibit A.3.37) and the storm water plan (Exhibit A.3.20) indicate that stormwater will be directed into an underground detention system that will dispose all parking area surface runoff on the same lot. <i>The standard is met.</i></p>
9.17	<p><b>§ 33.4185 LIGHTING</b></p> <p><b>Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.</b></p>

	<p><b>Applicant</b> (Exhibit A.3):  <i>“Any lighting will be shielded or deflected so as to not shine on adjoining dwellings or to create a hazard to the traveling public. Applicant intends to install a low voltage, solar powered security light in the parking area as well as a light on the vault toilet. The lights will be shielded or deflected to shine downward. There are no adjoining dwellings in the area. Given the location of the parking area in relation to NW McNamee and area residents, no light can or will shine onto other properties and no light will create a hazard on NW McNamee. This standard is met and compliance can be ensured by a condition of approval.”</i></p> <p><b>Staff:</b> The standard requires lights to be shielded or deflected so as not to shine into dwellings or create a hazard to the traveling public on any street. The applicant is proposing one exterior light on the restroom building (Exhibits A.3.28 and A.9). No dwellings are located near the parking area. In order to ensure compliance with the standard, Condition I.2 requires that the light fixture be completely hooded (so that no part of the light fixture extends below the opaque shielding) and directed downward to primarily illuminate the area adjacent to the doorway. Condition I.2 addresses all lighting standards applicable to the proposed light fixtures. <i>As conditioned, this standard is met.</i></p>
<p><b>9.18</b></p>	<p><b>§ 33.4190 SIGNS</b></p> <p><b>Signs, pursuant to the provisions of MCC 33.7465.</b></p> <p><b>Applicant</b> (Exhibit A.3): <i>“New signs proposed include a monument/entry sign, directional signs, parking lot signage, and informational signs associated with the natural area and trails. Exhibits 20 and 22. All signage is consistent with the woodland setting of the park. Applicant demonstrates compliance with § 36.7465 below. This standard is met.”</i></p> <p><b>Staff:</b> This code section indicates that signs are permitted on land classified as Off-Street Parking and Loading (O-P) and as part of off-street parking approval. As noted in the applicant’s proposed finding, the applicant has proposed multiple signs in the Burlington Creek Forest unit, including signs in the parking area and directional signs. The provisions of MCC 33.7465 are addressed in Section 9.28 below. <i>Pursuant to Section 9.28 this standard is met.</i></p>
<p><b>9.19</b></p>	<p><b>§ 33.4195 DESIGN STANDARDS: SETBACKS</b></p> <p><b>(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.</b></p> <p><b>* * *</b></p> <p><b>(C) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.</b></p>

	<p><b>Staff:</b> None of the required yards or setbacks for a parking area, vehicle maneuvering area, or access drive abut a street. <i>The standard is not applicable.</i></p>
<p><b>9.20</b></p>	<p><b>§ 33.4200 LANDSCAPE AND SCREENING REQUIREMENTS</b></p> <p><b>(A) The landscaped areas requirements of MCC 33.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 33.4165 (A).</b></p> <p><b>Staff:</b> As explained in Section 9.08, all of the proposed parking and maneuvering areas are within the scope of the design standards in MCC 33.4165(A), and therefore the requirements of MCC 33.7055(C)(3) to (7) apply to all proposed parking and maneuvering areas in the Burlington Creek Forest unit. The landscaped areas requirements of MCC 33.7055(C)(3) to (7) are addressed in Sections 4.19 through 4.26 above and all standards are either met, met by way of approval conditions, or not applicable. <i>The standard is met.</i></p>
<p><b>9.21</b></p>	<p><b>§ 33.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES</b></p> <p><b>(A) Residential Uses</b></p> <ul style="list-style-type: none"> <li><b>(1) Single Family Dwelling – Two spaces for each dwelling unit.</b></li> <li><b>(2) Two Family Dwelling – Two spaces for each dwelling unit.</b></li> <li><b>(3)Motel or Hotel – One space for each guest room or suite.</b></li> <li><b>(4) Group Care Facility, Home for Aged, or Children's Home – One space for each four beds.</b></li> </ul> <p><b>(B) Public and Semi-Public Buildings and Uses</b></p> <ul style="list-style-type: none"> <li><b>(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.</b></li> <li><b>(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.</b></li> <li><b>(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.</b></li> <li><b>(4) Club or Association – These shall be treated as combinations of uses such as hotel, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.</b></li> <li><b>(5) Senior High School and Equivalent Private and Parochial School – One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the</b></li> </ul>

**floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in class-rooms, whichever is greater.**

**(6) College, University, Institution of Higher Learning and Equivalent Private or Parochial School – One space for each five seats in classrooms or 45 square feet of floor area.**

**(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School – One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.**

**(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School – One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.**

**(9) Campground – One space for each campsite.**

**(C) Retail and Office Uses**

**(1) Store, Supermarket, and Personal Service Shop – One space for each 400 square feet of gross floor area.**

**(2) Service and Repair Shop – One space for each 600 square feet of gross floor area.**

**(3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.**

**(4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.**

**(5) Mortuary – One space for each four chapel seats or eight feet of bench length.**

**(D) Manufacturing and Storage**

**(1) Manufacturing – One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.**

**(2) Storage – One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.**

**(E) 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.**

**Applicant (Exhibit A.3):**

*“MCC 33.4205 does not specify a minimum number of required parking spaces for the proposed recreational use. Metro operates a number of regional parks and natural areas. Visitor*

information and traffic counts are kept. That information, together with information from other area parks (operated by other agencies), was used to determine parking needs. Metro and its project transportation engineer have projected the number and anticipated times of visitor use which correlated into a specified number of parking spaces needed to serve the users. The analysis is included in the traffic impact statement attached as Exhibit 3 [Exhibit A.3.19]. Metro is proposing 25 spaces, which is sufficient to serve anticipated users and can reasonably be supported by the topography. Exhibit 2 [Exhibit A.3.18]. The site is topographically constrained by steep slopes, with limited level space available in which to construct the parking area.

To assist in assessing transportation impacts and parking needs, County staff requested that Metro analyze and compare Powell Butte Nature Park, managed by the City of Portland, to the park improvements proposed at Burlington Creek Forest. Metro acknowledges the concerns that a few citizens have raised concerning off-road bicycling, including its resulting parking demand. Respectfully, Metro is of the opinion that comments to date have mischaracterized what Metro is proposing, the users it intends to and will serve, and the parking demands that will result.

Metro reviewed several potentially comparable nature parks in order to estimate future parking needs at Burlington Creek Forest (findings below). While it is impossible to precisely predict future parking needs, factors including variety and extent of activities offered, parking capacity, and area population are common ways of determining parking demand. A review of comparable park sites found 25 vehicle parking spaces to be an adequate number of spaces for the expected use. While the City of Portland's Powell Butte Nature Park was also considered, it contrasts significantly with BCF [Burlington Creek Forest] in terms of proximity to population (over three times as many people live within a 20 minute drive and ten times within a 15 minute drive) and intensity of activities offered. See attached Exhibit 24 [Exhibit A.3.42]. This standard is met.”

**Applicant** (Exhibit A.26):

“Metro staff visiting the site as part of standard operations or for land management needs would use any open parking space or park along the forest practices road. Metro staff will be visiting the site as operational demands dictate, which is anticipated to be a couple of times per week during high use season, and less during the winter months. Metro will also be accessing the site periodically as land and forest management needs arise, as it does currently. No loading/unloading within the parking area is needed to support or serve the proposed use.”

**Staff:** This standard provides the metric for determining the minimum number of required off-street parking spaces for various uses. Under subsection (E), any use not specifically listed in subsections (A) through (D) will have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director. Because MCC 33.4205 does not list uses allowed in a local park, including trails, a restroom, signs, and a parking area, under subsections (A) through (D), subsection (E) applies.

None of the other listed uses are ‘nearly equivalent’ to the proposed park uses. The standard in Subsection (E) gives the Planning Director discretion to compare the proposed use to comparable park uses. For the purposes of applying subsection (E) it is useful to compare similar facilities to what is proposed at Burlington Creek. The applicant has submitted a table of parking at comparable parks in the region (Exhibit A.3.42). The table includes the population within 15, 20, and 30 minutes of each park as well as the number of parking spaces at each park. The applicant submitted a revised version of that table, with additional parks and data in Exhibit A.21.

In order to gain an understanding of potential parking demand at each site, it is also useful to determine the relationship between the surrounding population and the number of parking spaces provided. Staff has included an additional analysis based upon the information contained in the applicant's letter of February 25, 2019 (Exhibit A.21) below for the 10, 20, and 30 minute populations for each facility. Based on the analysis below, the proposed 25 spaces is well within the typical number of spaces provided at other regional parks serving the population in the region.

While there is limited area to park a vehicle along the McNamee Road right-of-way, there is potential for park visitors to seek to park along the right-of-way if the parking lot reaches capacity. This concern has been raised in a number of submitted written comments (see Exhibit B.75). The Multnomah County Sheriff's Office has indicated that clearly marked 'No Parking' signs are key to its ability to successfully enforce parking restrictions along the right-of-way (Condition J.2 placed along the McNamee Road right-of-way. Condition J.2 requires the applicant reimburse Multnomah County for the installation of "No Parking" signs along 1,000 feet of frontage along NW McNamee Rd (western, southbound frontage only for 500 feet on either side of the driveway) prior to opening of the parking area to public use.

*As conditioned, the standard is met.*

<b>Park</b>	<b>Pop. each space serves (10 min.)</b>	<b>Pop. each space serves (20 min.)</b>	<b>Pop. each space serves (30 min.)</b>
<b>Proposed Burlington Cr.</b>	136	5,960	29,560
<b>Graham Oaks</b>	1,037	7,407	27,296
<b>Scouter's Mountain</b>	2,417	19,000	42,833
<b>Mt. Talbert</b>	3,862	20,241	48,276
<b>Cooper Mountain</b>	2,736	9,189	14,906
<b>Whipple Creek</b>	--	14,364	35,773
<b>Powell Butte</b>	1,609	6,725	14,783

**9.22 § 33.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACE**

**(A) Commercial, Office or Bank**

<b>Square foot of Floor or Land Area</b>	<b>Minimum Loading Spaces Required</b>
<b>Under 5,000</b>	<b>0</b>
<b>5,000 - 24,999</b>	<b>1</b>

<b>25,000 - 59,999</b>	<b>2</b>
<b>60,000 - 99,999</b>	<b>3</b>
<b>100,000 - 159,000</b>	<b>4</b>
<b>160,000 - 249,999</b>	<b>5</b>
<b>250,000 - 369,999</b>	<b>6</b>
<b>370,000 - 579,999</b>	<b>7</b>
<b>580,000 - 899,999</b>	<b>8</b>
<b>900,000 - 2,999,999</b>	<b>9</b>
<b>Over 3,000,000</b>	<b>10</b>

**(B) Motel**

<b>Square foot of Floor or Land Area</b>	<b>Minimum Loading Spaces Required</b>
<b>Under 30,000</b>	<b>1</b>
<b>30,000 - 69,999</b>	<b>2</b>
<b>70,000 - 129,999</b>	<b>3</b>
<b>130,000 - 219,999</b>	<b>4</b>
<b>220,000 - 379,999</b>	<b>5</b>
<b>380,000 - 699,999</b>	<b>6</b>
<b>700,000 - 1,499,999</b>	<b>7</b>
<b>Over 1,500,000</b>	<b>8</b>

**(C) Manufacturing, Wholesale, Storage**

<b>Square foot of Floor or Land Area</b>	<b>Minimum Loading Spaces Required</b>
<b>Under 5,000</b>	<b>0</b>
<b>5,000 - 39,999</b>	<b>1</b>
<b>40,000 - 99,999</b>	<b>2</b>
<b>100,000 - 159,999</b>	<b>3</b>
<b>160,000 - 239,999</b>	<b>4</b>

<b>240,000 - 319,999</b>	<b>5</b>
<b>320,000 - 399,999</b>	<b>6</b>
<b>400,000 - 489,999</b>	<b>7</b>
<b>490,000 - 579,999</b>	<b>8</b>
<b>580,000 - 699,999</b>	<b>9</b>
<b>670,000 - 759,999</b>	<b>10</b>
<b>760,000 - 849,999</b>	<b>11</b>
<b>850,000 - 939,999</b>	<b>12</b>
<b>940,000 - 1,029,999</b>	<b>13</b>
<b>Over 1,030,000</b>	<b>14</b>

**(D) Public or Semi-Public Use: Treated as mixed uses.**

**(E) 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.**

**Staff:** This standard provides the metric for determining the required number of off-street loading spaces. Subsection (D) of this standard indicates that a public use is treated as a mixed use. However, the standard is limited to any mix of uses listed in subsections (A) through (C) (commercial, office, bank, motel, manufacturing, wholesale, or storage). Because the proposed uses in the local park, including public recreational trails, signs, a restroom, and a parking area, do not include any of the uses listed in subsections (A) through (C), or anything remotely similar to the uses listed in subsections (A) through (C), subsection (D) is not applicable. Subsection (E), *Unspecified Uses*, is the applicable standard for the proposed use (uses in a local park, including recreational trails and supporting infrastructure). The proposed trails and restroom building do not require a loading space. When on site, Metro vehicles will likely either use an available open parking space or will park as needed on the existing logging road trail by way of accessing the proposed gate separating the parking area from the trailhead. The Planning Director finds that no loading space is required for the Burlington Creek Forest parking area. *The standard is met.*

## Signs

<b>9.23</b>	<p><b>§ 33.7400- PURPOSE</b></p> <p><b>(A) This Chapter regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:</b></p>
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**(1) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;**

**(2) To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;**

**(3) To reflect and support the desired character and development patterns of the various zones; and,**

**(4) To ensure that the constitutionally guaranteed right of free speech is protected.**

**(B) The regulations allow for a variety in number and type of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.**

#### **§ 33.7405      APPLICABILITY AND SCOPE**

**This Chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not restrict, limit or control the content or message of signs. The regulations of this Chapter apply to all zones. The regulations of this Chapter are in addition to all other regulations in the Multnomah County Code and State Building Code applicable to signs.**

#### **§ 33.7410      CONFORMANCE**

**No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits must be approved prior to erection of the sign.**

**Applicant** (Exhibit A.3):

*“As expressly provided, regulated signs are those which are visible from the public right of way or beyond the property where erected. The proposed entry/monument sign is a regulated sign. The requirement to obtain a sign permit prior to erecting a regulated sign can be made a condition of approval to ensure compliance.”*

**Staff:** MCC 33.7400 provides that the Signs chapter of the County Code “regulates signs which are visible from the right-of-way and from beyond the property where erected.” Although that statement is contained in the “Purpose” section of the Code, the limitation set forth in that section is reinforced in MCC 33.7420(A), which exempts from regulation under the Signs chapter those signs not oriented or intended to be legible from the right-of-way or other private property. As a result,

	<p>MCC 33.7405 (Applicability and Scope) and MCC 33.7410 (Conformance) apply only to signs visible from the right-of-way and from beyond the property.</p> <p>Most of the signs proposed by the applicant will be located in and around the vicinity of the parking area, which is not visible from the public right-of-way and likely not visible from adjacent properties due to topography and required vegetative screening. Therefore, the only proposed sign subject to these standards is the entry sign proposed at the access point onto NW McNamee Road (Exhibit A.3.37). As explained below, that sign conforms to the requirements of the Signs chapter. <i>The standard is met.</i></p>
<p><b>9.24</b></p>	<p><b>§ 33.7420 EXEMPT SIGNS</b></p> <p><b>The following signs are exempt from the provisions of this Chapter, but may be subject to other portions of the County Code:</b></p> <p><b>(A) Signs not oriented or intended to be legible from a right of-way, private road or other private property;</b></p> <p><b>(B) Signs inside a building, except for strobe lights visible from a right-of-way, private road or other private property;</b></p> <p><b>(C) Signs legally erected in the right-of-way in accordance with MCC 29.500 through 29.583, the Rules For Street Standards adopted thereunder, and Administrative Rules and Regulations pursuant to MCC 15.225 through 15.236;</b></p> <p><b>(D) Building numbers required by the applicable street naming and property numbering provisions in Multnomah County Code;</b></p> <p><b>(E) Signs carved into or part of materials which are an integral part of the building;</b></p> <p><b>(F) Flags on permanent flag poles which are designed to allow raising and lowering of the flags;</b></p> <p><b>(G) Banners on permanent poles which are designed and intended as a decorative or ornamental feature;</b></p> <p><b>(H) Painted wall decorations and painted wall highlights;</b></p> <p><b>(I) Bench advertising signs which have been lawfully erected.</b></p>

	<p><b>Staff:</b> This standard lists the types of signs that are exempt from regulation under the Signs chapter of the Code and includes signs not oriented or intended to be legible from a right-of-way, private road or other private property. The parking area and trailhead signs will not be visible from the NW McNamee Road right-of-way or from a private road or property due to topography and vegetative screening; therefore, those signs are exempt from regulation from these standards. The required ‘no parking’ sign is also exempt from regulation from these standards.</p> <p>The proposed entry sign is visible from the NW McNamee Road right-of-way, does not qualify for any of the other exemptions, and therefore is regulated by these standards.</p>
<p><b>9.25</b></p>	<p><b>§ 33.7425 PROHIBITED SIGNS</b></p> <p><b>The following signs are prohibited and shall be removed:</b></p> <p><b>(A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;</b></p> <p><b>(B) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Code;</b></p> <p><b>(C) Abandoned signs;</b></p> <p><b>(D) Balloon signs; and</b></p> <p><b>(E) Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.</b></p> <p><b>Staff:</b> The applicant has not proposed any of the listed prohibited signs. As explained in Section 12.17, the applicant is required to reimburse the County for the placement of “No Parking” signs. Although those signs will be located in the right-of-way, they are not prohibited because they will be legally erected for informational purposes by the County on behalf of Metro. <i>The standard is met.</i></p>
<p><b>9.26</b></p>	<p><b>§ 33.7445 BASE ZONE SIGN REGULATIONS</b></p> <p><b>Signs are allowed in unincorporated Multnomah County depending on the zoning district in which a property is situated as described in MCC 33.7450. Signs are allowed on properties that are zoned OP, PD, and LF or have CS designations to the extent that signs are allowed in the underlying zoning district except as provided herein. Signs are allowed in the SPA subdistricts to the extent provided for in the regulations for each such subdistrict.</b></p> <p><b>Applicant</b> (Exhibit A.3):</p> <p><i>“The sign regulations apply to signs erected along NW McNamee. The subject property is</i></p>

*zoned CFU-1. Signs are allowed in the CFU-1 zone as provided below.”*

**Staff:** Staff concurs with and adopts the applicant’s proposed finding. *The standard is met.*

**9.27 § 33.7450 SIGNS GENERALLY IN THE EFU, CFU-1, CFU-2, CFU-5, MUA-20, RR, AND BRC ZONES**

**For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 33.7460 through 33.7500.**

**(A) Free Standing Signs:**

- (1) Allowable Area – Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.**
- (2) Number – One free standing sign is allowed per site frontage.**
- (3) Height – The maximum height of a free standing sign is 16 feet.**
- (4) Extension into the Right-Of-Way – Free standing signs may not extend into the right-of-way.**

**\* \* \* (C) Sign Features**

**Permanent signs may have the following features:**

- (1) Signs may be indirectly illuminated downward onto the sign face.**
- (2) Electronic message centers are not allowed.**
- (3) Flashing signs are not allowed.**
- (4) Rotating signs are not allowed.**
- (5) Moving parts are not allowed.**

**(D) Additional Signs Allowed – In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all zoning districts for all usages:**

- (1) Directional signs pursuant to MCC 33.7490.**
- (2) Temporary lawn, banner and rigid signs.**
- (3) Subdivisions may have a free standing sign at each entrance, up to a total of four, each of which may be up to ten feet in height and 50 square feet in area.**

**Applicant** (Exhibit A.3): “Applicant intends on erecting a free standing sign that identifies the park and that is visible from the right of way. Exhibit 20 [Exhibit A.3.37]. There is no electronic message, flashing, rotating or moving parts. Compliance with the sign dimensional standards in section (A)(1-3) above can be ensured through a condition of approval. Exhibit 22 [Exhibit A.3.40].

*In conjunction with the visitor access improvements, applicant may install directional signs (signs which depict the site entrance). Directional sign criteria can be made a condition of approval.”*

**Staff:** This standard regulates the types, numbers, sizes and features of signs allowed in the CFU-1 zone, which is the zone where all of the improvements, including signs, are proposed in the Burlington Creek Forest unit. As relevant here, the applicant is proposing a free standing entry sign on the subject property at the access point along NW McNamee Road in the CFU-1 zone. (Exhibit A.3.37, page 4 and Exhibit A.3.40). It is not clear from the sign details provided in Exhibit A.3.37 the exact area of sign face proposed for the entry sign. Burlington Creek Forest has over 2,600 feet of road frontage, therefore the entry sign may be up to 40 square feet (Condition I.3). The height of the entry sign appears to reach 10 feet above grade (Exhibit A.3.40) and may not exceed 16 feet.

None of the listed prohibited signs, such as flashing and rotating signs, are proposed. Directional signs will be provided as needed, and the standards in MCC 33.7490 are addressed in Section 9.29 below. The applicant is required to obtain any required building permits for the proposed signs. *These standards are met.*

9.28

**§ 33.7460 APPLICABILITY**

**All signs allowed under the base zone provisions must comply with the development regulations of the following Sections.**

**§ 33.7465 SIGN PLACEMENT**

**(A) Placement**

**All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.**

**(B) Frontages**

**Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.**

**(C) Vision Clearance Areas**

**(1) No sign may be located within a vision clearance area as defined in subsection (C)(2) below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.**

**(2) Location of vision clearance Areas – Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 45 feet from the intersection of the vehicle travel area (See MCC 33.7505 Figure 2). The height of the vision clearance area is from three feet above grade to ten feet above grade.**

**(D) Vehicle Area Clearances**

**When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.**

**(E) Pedestrian Area Clearances**

**When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.**

**(F) Required Yards and Setbacks**

**Signs may be erected in required yards and setbacks.**

**(G) Parking Areas**

**(1) Unless otherwise provided by law, accessory signs shall be permitted on parking areas in accordance with the provisions specified in each district, and signs designating entrances, exits or conditions of use may be maintained on a parking or loading area.**

**(2) Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area.**

**Applicant** (Exhibit A.3): *“All signs and sign structures will be erected within the site, except if allowed to extend into the right of way (if permission were sought and granted by the County Transportation Department). Exhibit 22 [Exhibit A.3.40]. This standard [subsection (A)] is met.*

*No signs are proposed to be placed on another site frontage. This standard [subsection (B)] is met.*

*No signs are proposed to be placed in a restricted vision clearance area. This standard [subsection (C)] is met.*

*No signs are proposed to be placed in a restricted vehicle clearance area. This standard [subsection (D)] is met.*

*No signs are proposed to be placed in a restricted pedestrian clearance area. This standard [subsection (E)] is met.*

*This standard [subsection (F)] is permissive, not restrictive. This standard is met or otherwise not applicable.*

*Applicant may erect parking area/entrance/and exit signs in association with the entry/access improvements. These signs will not exceed four square feet in area, and there will not be more than*

*one such sign for each entrance of exit. This standard [subsection (G)] is met and can be made a condition of approval to ensure compliance.”*

**Applicant** (Exhibit A.26): “§ 33.7465 SIGN PLACEMENT regulates the placement of signs, Subsection (D) referenced above regulates signs that extend over travel or parking areas, requiring them to be at least 14 feet above the ground to allow for vehicles to travel underneath them. Metro is not proposing any signs that vehicles pass under. The only reference to 8.5 feet is in subsection (E), which similarly regulates pedestrian area sign clearances. The bottom edge of the accessible parking space sign shall be mounted on a post at a minimum of 8.5 feet above finish grade.

*An ADA parking sign is located in front of the accessible parking space on a free-standing post as shown below and on sheet 4 of the Burlington parking preliminary site plan.*

*ADA parking signs, height, location, and size are strictly regulated by federal law and state building code. ADA signs associated with the ADA parking space are designed to comply with those standards.”*

**Staff:** These standards apply to proposed on site signs. On subsection (A) the applicant has not proposed any sign that extends into the right-of-way and none is approved. On subsection (B), no signs are proposed to be placed on another site frontage. The applicant’s entry sign plan at Exhibit A.26.5 shows the entry monument sign will be placed outside of the vision clearance area at the driveway entry. Conditions I.3 through I.7 require compliance with these standards. *As conditioned, these standards are met.*

**9.29**

**§ 33.7490 DIRECTIONAL SIGNS**

**Directional signs shall comply with the following provisions:**

Maximum Sign Face Area:	Six Square Feet
Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall
Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet
Extensions into R/W:	Not Allowed
Lighting:	Indirectly Illuminated downward onto the sign face
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed

**Applicant** (Exhibit A.3):

*“In conjunction with entry and access improvements, applicant may install directional signs (signs which depict entrance and exits to direct traffic). Applicant is not proposing any sign that includes flashing lights, electronic messages, or moving parts. This standard is met and can be made a condition of approval to ensure compliance with dimensional standards.”*

**Applicant** (Exhibit A.26):

*“In response to sign standard § 33.4190, applicant indicates that new signs proposed include a monument sign, parking lot signage (such as ADA parking signs), and information signs associated with the natural area and trails (such as rules signs, trail signs, wayfinding information, etc.). Although represented as proposed, directional signs will not be installed. Instead, applicant will include directional arrows on the access driveway as required by § 33.4170(A).”*

**Staff:** This standard determines the types, dimensions, and features of directional signs. As defined in MCC33.7505, a directional sign is, “A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.” The applicant is not proposing directional signs or any signs that include lighting, flashing lights, electronic messages, extensions into the right-of-way, or moving parts. Condition I.5 requires that if any directional signs are used they are required to meet these sign standards. As conditioned, the standard is met.

## Dark Sky Lighting Standards

9.30

**§ 33.0570 DARK SKY LIGHTING STANDARDS**

**(A) The purpose of the Dark Sky Lighting Standards in this section is to protect and promote public health, safety and welfare by preserving the use of exterior lighting for security and the nighttime use and enjoyment of property while minimizing the obtrusive aspects of exterior lighting uses that degrade the nighttime visual environment and negatively impact wildlife and human health.**

**(B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:**

**(1) Lighting lawfully installed prior to the effective date of this ordinance, provided that the building enlargement threshold in paragraph (C) of this section is not exceeded.**

**(2) Lighting used for safe pedestrian passage, installed at ground level (such as along walkways and stairs), provided that individual lights produce no more than 30 lumens.**

- (3) Lighting that shines for not more than 90 nights in any calendar year provided that individual lights produce no more than 70 lumens.**
- (4) Lighting which shines for not more than 60 nights in any calendar year associated with discrete farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that permanent lighting on buildings, structures or poles associated with farm practices and agricultural use is subject to the requirements of this section. For purposes of this exemption, “discrete farming practices” does not include farm stand or agri-tourism events or activities.**
- (5) Lighting which shines for not more than 60 nights in any calendar year associated with discrete forest practices as defined by ORS chapter 527 (The Oregon Forest Practices Act), except that permanent lighting on buildings, structures or poles associated with forest practices is subject to the requirements of this section.**
- (6) Lighting which shines for not more than 60 nights in any calendar year associated with theatrical, television, and performance activities. For purposes of this exemption, theatrical, television, and performance activities do not include farm stand or agri-tourism events or activities.**
- (7) Lighting in support of work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC 33.0535, provided that after the emergency has passed, all lighting to remain is subject to the requirements of this section.**
- (8) Lighting used by a public agency in service of a temporary public need, when such lighting cannot both serve the public need and comply with the standards in paragraph (C) of this section.**
- (9) Lighting required by a federal, state, or local law or rule, when such lighting cannot comply with both the law or rule and the standards in paragraph (C) of this section.**
- (10) Lighting used in support of public agency search and rescue and recovery operations.**
- (11) Traffic control devices in compliance with the Manual on Uniform Traffic Control Devices, when such lighting cannot both serve the public need and comply with the standards in paragraph (C) of this section.**

**(12) Lighting necessary to meet federal, state or local historic preservation standards when such lighting cannot both meet historic preservation standards and comply with the standards in paragraph (C) of this section.**

**(13) Underwater lighting.**

**(14) Lighting of national, state, and local recognized jurisdiction flags pursuant to the United States Flag Code or laws regulating the proper display of jurisdiction flags.**

**Staff:** The applicant is proposing one exterior light on the restroom building, which will be located on the south side of the building (Exhibits A.3.28 and A.9). None of the exemptions in (B) above applies to the proposed light. The light must meet the standards in subsection (C) below.

**9.31**

**(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.**

**(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.**

**(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.**

**Applicant** (Exhibit A.26):

*“At this time, the only lighting proposed is on the vault toilet. No other lighting is proposed. Please disregard the reference to an additional light located on a pole in applicant’s narrative response to § 33.4185.*

*Applicant provided additional detail concerning this standard in a response (dated June 8, 2018) to a request for additional clarifications dated April 2, 2018. In that response, item 8, applicant provided an additional orientation site plan for the vault toilet light.*

*Lighting will be mounted on the south/southwest side of the vault toilet structure and will not be visible from any location off site or downslope. The light will be approximately 7 feet off the ground. The vault toilet is located in an area that can be described as a hollow, 25 feet lower in elevation than the entrance grade on NW McNamee, and is not visible. The light is dark sky compliant. The light is directed downward, hooded and shielded. The requirement to shield or otherwise direct light downward can be made a condition of approval to ensure compliance.”*

**Staff:** The applicant is proposing one exterior light on the restroom building, which will be located on the south side of the building (Exhibits and A.9). Condition I.2 requires that the light fixture to be fully shielded (so that no part of the light fixture extends below the opaque shielding) and

	directed downward to primarily illuminate the area adjacent to the doorway. Condition I.2 addresses all lighting standards applicable to the proposed light fixture including the standards in Subsection (C). <i>As conditioned, these standards are met.</i>
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**10.00 Conditional Use / Community Service**

**Conditional Use**

<b>10.00</b>	<p><b>Introduction – Conditional Use/Community Service</b></p> <p>The applicant is seeking a Conditional Use permit for local park uses proposed in the Burlington Creek Forest unit, specifically “limited, essential day-use amenities and signs designed to orient visitors and highlight the site’s unique habitat, wildlife, and geological features; a gated parking lot for approximately 25 cars, including one ADA parking space; a prefabricated vault restroom with a non-flammable, concrete wall and roof structure; and a trailhead and shared use trails, designed specifically for hiking and off-road cycling.” (Exhibit A.3, pages 5-6). Under MCC 33.2030 (Conditional Uses), discussed in Section 2.05 of this staff report, Community Service Uses, including the local park uses sought by the applicant, must meet the standards set forth in MCC 33.6000 through 33.6010 and MCC 33.6100 through 33.6230.</p>
<b>10.01</b>	<p><b>§ 33.6325 DESIGN REVIEW</b></p> <p><b>Uses authorized under this section shall be subject to design review approval under MCC 33.7000 through 33.7060.</b></p> <p><b>Staff:</b> Design Review is addressed in Section 4.00.</p>
<b>10.02</b>	<p><b>§ 33.6335 CONDITIONAL USE PERMIT</b></p> <p><b>A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.</b></p> <p><b>Staff:</b> Staff recommends approval of the conditional use permit subject to the conditions listed on pages 6 through 14 of this report.</p>

**Community Service**

<b>10.03</b>	<p><b>§ 33.6000- PURPOSE</b></p> <p><b>MCC 33.6010 through 33.6230 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate as specified in each district.</b></p>
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	<p><b>Staff:</b> Metro is asking Multnomah County to recognize all of the parcels included in its North Tualatin Mountains Master Plan as part of a ‘Local Park’ (Exhibit A.4.4). Parks are Conditional Uses in all six zones subject to this application by way of Community Service Uses. Community Service uses are a type of Conditional Use. The application is required to meet both the Conditional Use approval criteria and the Community Service Use approval criteria. The Community Service Use approval criteria are addressed in Sections 10.03 through 10.12. A Comprehensive Plan designation is also required for a local park in the CFU-1 and CFU-2 zones. Findings addressing the Comprehensive Plan are found in Section 11.00 of this report.</p>
<p><b>10.04</b></p>	<p><b>§ 33.6005 GENERAL PROVISIONS</b></p> <p><b>(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.</b></p> <p><b>(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 33.7000 through 33.7065.</b></p> <p><b>(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.</b></p> <p><b>Staff:</b> The specific use sought is a Local Park under MCC 33.2030(A)(9). Conditions of approval are listed on pages 6 through 14 of this report. Design Review is addressed in Section 4.00 of this report. A Community Service approval does not constitute a new zone or zoning overlay. Rather, a Comprehensive Plan Amendment is sought in order to designate the properties subject to this application as a park.</p>
<p><b>10.05</b></p>	<p><b>§ 33.6010 APPROVAL CRITERIA</b></p> <p><b>In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 33.6100 through 33.6125, wireless communications facilities which shall meet the approval criteria of MCC 33.6175 through 33.6188; and except for regional sanitary landfills which shall comply with MCC 33.6200 through 33.6230.</b></p> <p><b>(A) Is consistent with the character of the area;</b></p> <p><b>Applicant:</b></p> <p><i>“The Tualatin Mountains extend into the greater Portland area along the Columbia River, dividing the lowlands of the Willamette and Columbia rivers from the Tualatin Valley. Burlington Creek Forest, McCarthy Creek Forest, Ennis Creek Forest, and North Abbey Creek Forest are four discontinuous sites owned by Metro, totaling 1,300 acres that form the North Tualatin Mountains.</i></p>

*Collectively, the sites preserve in perpetuity large blocks of upland forest, streams and habitat connectivity northwest of Forest Park and southeast of NW Cornelius Pass Road. Metro desires to improve access to Burlington Creek Forest in a way that ensures healthy habitats and meaningful experiences in nature.*

*Metro's Burlington Creek Forest site is located on the east-facing slopes of the mountain ridge and is similar in character to Forest Park, with forested hillside and fairly steep topography typical of the area. The site is located outside of the Urban Growth Boundary in unincorporated Multnomah County.*

*Burlington Creek Forest is comprised of numerous parcels zoned for Commercial Forest Use covering approximately 350 acres. The area surrounding Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, ancient forest preserve, and wetland.*

*Surrounding land uses of note include the following:*

- Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.*
- Rural Residential: Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential areas are located along NW McNamee, west of the forest, and also adjacent to Highway 30, below the forest. The residential uses adjacent to Highway 30 are typically solely residential in nature. While many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.*
- Ancient Forest Preserve: The Ancient Forest, owned and managed by the Forest Park Conservancy, protects nearly 40 acres of old growth forest adjacent to the southwest corner Burlington Creek Forest site. The conservancy welcomes visitors to the Ancient Forest and has recently extended the trail system.*
- Burlington Bottoms: The roughly 400-acre Burlington Bottoms wetlands, owned by Bonneville Power Administration (BPA) and managed by Oregon Department of Fish and Wildlife (ODFW), lie northeast of Burlington Creek Forest.*

*The railroad lines are located west of the homesites along Highway 30, with Burlington Creek Forest, uphill from the rail lines.*

*In recent history, this forest has been managed primarily for commercial timber harvest. Much of the area was logged in the early 1990s. Hundreds of acres are dominated by single species, densely planted young stands of Douglas fir. When acquired by Metro, little to no snags and downed wood were present.*

*The property is currently used for recreational purposes. People walk and ride bikes on existing logging roads and access the site via the existing access drive from NW McNamee Road and an unsanctioned neighborhood access point and trail. Metro is also managing the forest to reduce the number of Douglas fir trees per acre, to promote healthy trees, preserve hardwoods and native shrubs, and increase diversity.*

*McNamee Road, Cornelius Pass Road and the railroad all cross through the Burlington Creek Forest.*

*Additional infrastructure include power line corridors running the length of the site, logging roads, and a Burlington Water District water tank that serves the neighborhood below.*

*Connectivity between Burlington Creek Forest and Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by US Highway 30, local roads, residential development, and the railroad line.*

*Burlington Creek and several unnamed tributaries flow eastward through steep valleys to the base*

*of the ridge.*

*Visitors to Burlington Creek Forest will access the site from an existing access drive off of NW McNamee Road. Proposed improvements include limited, essential day-use amenities and signs designed to orient visitors and highlight the site's unique habitat, wildlife, and geological features; a gated parking lot for approximately 25 cars, including one ADA parking space; a prefabricated vault restroom with a non-flammable, concrete wall and roof structure; and a trailhead and shared use trails, designed specifically for hiking and off-road cycling. Visitors to Burlington Creek Forest will be able to continue walking and riding bikes and horses on the nearly three miles of existing logging roads on the site with the addition of approximately six miles of new natural surface multi-use trails.*

*Recreational objectives include: Providing a formal system of trails that serve appropriate and multiple uses and abilities, including hiking, off-road cycling, and wildlife viewing; providing scenic viewpoints; providing safe pedestrian and vehicle access to the area; providing necessary site amenities and infrastructure to serve visitors; providing a family-friendly environment with opportunities for people of all ages and abilities to enjoy the site; and following 'sustainable trails' guidelines for all trail development.*

*Impacts to the surrounding neighborhoods from expanded site development and public use will be minimal. The site is isolated from adjacent property and uses given its sheer size. Uses are promoted in the interior of the forest. Additional Metro objectives include: Providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, providing setbacks and buffers, and monitoring the use.*

*All rules and regulations at the nature park will be consistent with Metro's Title 10, which outlines regulations governing the use of Metro owned and operated regional parks and natural areas in order to protect wildlife, plants, and property, as well as promotes the safety and enjoyment of those visiting these facilities. For public security and safety, hours of operation and regulatory signs will be installed at the access point. Regulatory signs will include public use restrictions, such as no fires, camping, hunting, fireworks, or motorized vehicles, and other uses outlined in Metro's Title 10. Vehicle access will be controlled with automatic gates to prevent after hours use. Gates will be locked daily at park closure times. Boundary markers will be installed along the perimeter of the natural area to clearly delineate the public/private edge. Regular maintenance of the park will include toilet cleaning, litter pick-up and general monitoring. Routine seasonal maintenance of the natural area, including trails, will also occur. Metro Park Rangers, land managers, volunteer coordinators, nature educators and scientists will ensure successful operation, maintenance, and continued use of the site.*

*Generally, site rehabilitation and management will be pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aimed to protect and enhance the forest's natural and scenic resources and to create a place for wildlife to thrive. Exhibit 1 [Exhibit A.3.17]. Metro's Site Conservation Plan identifies desired future conditions for the forest and riparian areas. The desired conditions will promote native trees and shrubs; provide habitat for migrating and nesting birds, mammals and amphibians; and protect water quality and riparian habitat while promoting cooler temperatures. The Site Conservation Plan is a document that guides Metro's stewardship and restoration work; serving as a tool for protecting and enhancing the unique characteristics of the site while also allowing for access by the public. The SCP was developed in collaboration with Metro scientists, land managers, and planning staff. This document defines the key ecological attributes, conservation targets, and recreation and access objectives for the site. That work is implemented as funding is allocated and pursuant to priorities identified by Metro.*

*Planning and Design Effort:*

*The Burlington Creek Forest was one of four forested sites that were the subject of the North*

*Tualatin Mountains Access Master Plan. That Master Plan is being considered by the County under a separate application for a County Comprehensive Plan text amendment. The Master Plan was approved by Metro Council in 2016.*

*The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, independent consultants, scientists, planners, naturalists, project stakeholders, and community participants.*

*Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provide baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research and external experts to evaluate possible impacts of potential access opportunities. Metro scientists then work with Metro's planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective is to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.*

*The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors.*

*The plan's goals include: Protecting fish and wildlife habitat and water quality while providing opportunities for meaningful experiences of nature in a safe, controlled, and sustainable manner. The visitor access and land management activities proposed for Burlington Creek Forest represent that balanced approach.*

*The design presented for land use approval:*

- *Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- *Integrates community and partner suggestions;*
- *Identifies and accesses the best location for day use and trail heads;*
- *Utilizes existing roads and locates new trails to avoid and minimize impacts to sensitive natural resource areas.*
- *Employs sustainable trail construction techniques;*
- *Provides safe ingress and egress and internal movement of vehicles and pedestrians; and*
- *Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports.*

*The plan and design under consideration is the product of nearly three years of work by Metro, partnering agencies, the community, and stakeholders.”*

**Staff:** The proposed park will be consistent with the character of the area (as further described in Section 1.00 of this report), because Metro's Master Plan (Exhibit A.4.5) calls for maintaining and enhancing the forest habitat on all four sites. The development of the park is limited to recreational trails and related infrastructure in the Burlington Creek Forest and McCarthy Creek Forest units and does not include the features found commonly found in urban parks, such as sports fields. Rather, the proposed recreational trails are very similar to those found in nearby Forest Park, which provides a rural recreational experience. While Forest Park is within the Urban Growth Boundary,

	<p>for the purposes of this standard it should be considered part of the rural area, since it is protected from urban development. The Burlington Creek site will feature the most trail density and the highest level of use, but the level of visitation is expected to be limited by the number of available parking spaces (25 spaces proposed). The type of park Metro has proposed is consistent with the character of the area similar to Forest Park to the southeast. <i>The standard is met.</i></p>
<p><b>10.06</b></p>	<p><b>(B) Will not adversely affect natural resources;</b></p> <p><b>Applicant:</b></p> <p><i>“The Burlington Creek Forest is one of four forested sites that are the subject of the North Tualatin Mountains Access Master Plan. That Master Plan is being considered by the County under a separate application for a County Comprehensive Plan text amendment. The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, independent consultants, scientists, planners, naturalists, project stakeholders, and community participants. Metro employs a science based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research, and by using external experts to evaluate possible impacts of potential access opportunities. Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process identified suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. The final product and public improvements contemplated are the result of over two years of significant public outreach effort – including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks &amp; Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. The plan’s goals include: Protecting fish and wildlife habitat and water quality while providing opportunities for meaningful experiences of nature in a safe, controlled, and sustainable manner. The visitor access and land management activities proposed for Burlington Creek Forest represent that balanced approach. The design presented for land use approval:</i></p> <ul style="list-style-type: none"> <li><i>• Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;</i></li> <li><i>• Integrates community and partner suggestions;</i></li> <li><i>• Identifies and accesses the best location for day use and trail heads;</i></li> <li><i>• Utilizes existing roads and locates new trails to avoid and minimize impacts to sensitive natural resource areas.</i></li> <li><i>• Employs sustainable trail construction techniques;</i></li> <li><i>• Provides safe ingress and egress and internal movement of vehicles and pedestrians; and</i></li> <li><i>• Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports.</i></li> </ul>

*The plan and design under consideration is the product of nearly three years of work by Metro, partnering agencies, the community, and stakeholders.*

*Generally, site rehabilitation and management of the subject property will be pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aimed to protect and enhance the forest's natural and scenic resources and to create a place for wildlife to thrive and water quality to be protected. Exhibit I [Exhibit A.3.17]. Metro's Site Conservation Plan identifies desired future conditions for riparian areas and the forest. See also Exhibits 5 [Exhibit A.3.22] and 10 [Exhibit A.3.27] for current cover maps and conservation targets."*

**Applicant: [Exhibit A.24, June 10, 2019]**

#### ***"Recreation and Wildlife/Amphibian Concerns***

*Some community members have asserted that trail development will result in adverse impacts to wildlife, including red-legged frogs. The below information on wildlife and amphibian concerns and potential recreational impacts was provided by Metro's team of scientists, including Katy Weil<sup>1</sup> and Jonathan Soll<sup>2</sup>.*

*Metro's mission is to protect water quality, fish, and wildlife habitat and create opportunities to access nature close to home. Metro recognizes that creating public access can have impacts to wildlife, but it is the opportunity to experience and learn about nature that introduces kids and families to the wonders of the outdoors, creates healthy lifestyles, and develops the next generation of conservation leaders.*

#### ***Science-based Approach***

*During the access planning process, Metro scientists provide baseline information about current conditions, conservation targets, and habitat restoration goals. Metro scientists draw on recognized conservation biology principles, site knowledge, research, and external experts to provide a description of a natural area's natural resource values. They evaluate possible impacts of potential access opportunities and work with the planning team to develop access opportunities that are compatible with the wildlife and water quality goals for a natural area. This process to identify priority locations and activities for recreation builds on the work of Metro scientists and land managers to stabilize and restore the ecological health of the site. When acquired by Metro, the North Tualatin Mountain sites were dominated by Douglas fir tree farms, having been clear cut and restocked several times. Habitat diversity and characteristics that define a healthy forest or ecosystem were lacking. Metro's Site Conservation Plan (SCP), Exhibit I [Exhibit A.3.17] of our application, identifies desired future conditions for the forest and riparian areas. The desired conditions will promote native trees and shrubs; provide habitat for migrating and nesting birds, mammals, and amphibians; and protect water quality and riparian habitat while promoting cooler in and over water temperatures – none of which was a prior management objective for the site under former ownership. The SCP guides Metro's stewardship and restoration work, serving as a tool for protecting and enhancing the unique characteristics of the site while also allowing for access by the public. The SCP was developed in collaboration with Metro scientists, land managers, and planning staff. The SCP defines the key ecological attributes, conservation targets, and recreation and access objectives for the site.*

#### ***Core Habitat Areas***

*Included with the NTM access master plan are recommendations to maintain the sites' ecological function while providing public access. The proposed plan preserves over 1,000 acres of protected core habitat at the four sites. This includes about 125 acres at Burlington, 350 acres at Ennis Creek Forest, 320 acres at McCarthy Creek Forest, and 210 acres at North Abbey Creek Forest.*

*Out of an existing 1,300 acres, Metro's plan preserves over three-fourths of the total acreage of the NTM sites.*

### Amphibians

*Red-legged frogs have been highlighted as a concern by some community members and are noteworthy for several reasons. Red-legged frogs are designated a conservation strategy species by ODFW and considered declining and vulnerable. Although U.S. Highway 30 poses a significant barrier, some amphibians successfully migrate between Burlington Creek and Ennis Creek forests and breeding habitat on the east side of Highway 30. A group of volunteers (Harborton Frog Rescue) catches and transports frogs across Highway 30 at designated locations during late winter and early spring when they migrate to local wetlands to breed and then to return to upland forests. Metro's conservation science team, in addition to knowledge gained through decades of experience and study, conducted a thorough review of red-legged frog literature. That together with basic conservation biology theory and common sense indicates that impacts from trail development will be minimal and be far surpassed by the benefits of Metro's restoration work. Specific noteworthy points include:*

- Frogs move during rain events and at night times. The Nature Park is not open for public use after sunset. Park use would be less during rain events. Thus, conflicts are more than likely not to occur.*
- Animals that are capable of travelling ½ mile or more between breeding ponds and non-breeding habitat, including crossing major highways, railroad tracks, residential streets and driveways, hardscapes, development, and intensively managed landscapes are not going to be adversely impacted by narrow, soil surface trails in the forest.*
- Because red-legged frogs have an extensive range, comprehensive monitoring would not lead to increased protection.*
- Metro has already begun monitoring for direct mortality on the forest road system – which is currently used by maintenance vehicles and recreationalists. To date, no mortality has been observed on the gravel roads. Metro will continue to monitor the road system and trails after they are constructed.*
- The proposed trails will not meaningfully affect microclimate because they are narrow, soft-surface trails and will not adversely affect canopy cover.*
- Metro has addressed guidance provided by ODFW including: utilizing existing roads for visitor use and reduced habitat fragmentation; providing a buffer between trails and infrastructure from streams; minimizing impacts to streams by using bridges that do not constrain the stream channel; improving existing stream crossings to improve/protect stream flow and riparian area function, water quality and habitat, trail and road decommissioning; designing trails to minimize erosion and rutting; and surveying wildlife presence.*
- Metro is committed to trail monitoring to detect and quickly repair any erosion near stream crossings.*

### Monitoring

*Terrestrial salamander surveys were conducted by Metro staff with community science volunteers in early spring 2015 at North Abbey Creek Natural Area, 2016 at Burlington Creek Forest, and 2012 and 2017 at McCarthy Creek Natural Area. This was done in anticipation of culvert removal at McCarthy, and general interest for the other sites. These are conducted in the later spring, as these salamanders are moving from wintering areas. These were presence surveys only, with Pacific giant salamander larvae detected at McCarthy Creek, and Western red-backed salamander, Dunn's salamander, and Ensatina, as the predominant species detected at the other sites. For each*

site only one survey was done within each location as to minimize disturbance. Presence of these species notes supportive, moist, mixed conifer and deciduous forest habitat.

Metro conducts amphibian egg mass monitoring to assess representative lentic habitat within seasonally inundated wetlands and the effects of Metro's restoration projects. Target amphibian populations include the Northern red-legged frog, Pacific chorus frog, Northwestern salamander, and the long-toed salamander. Target habitats are emergent wetlands, shrublands, and seasonally-inundated ponds. Adjacent upland habitat for metamorphosed individuals is a required element for thriving pond-breeding amphibian species. The NTM sites generally lack ponds. At North Abbey Creek, however, an old cistern serves as a small breeding pond for Northern red-legged frogs. In 2017 five egg masses were found in the cistern, while in 2018 one egg mass was found.

In anticipation of increased public access, Metro began conducting amphibian road mortality surveys at Burlington Creek Forest in 2018. This monitoring will continue and add a trail component through access development. This will allow Metro to document pre and post construction mortality of amphibians and document and respond to any changes. The monitoring consists of trained volunteers walking the existing road system to look for evidence of any amphibian mortality during migration. The surveys are conducted both early in the morning and in the evening to coincide with typical amphibian movement times and to ensure that mortality that did occur is still visible prior to scavenging by other animals. The first surveys were conducted in the winter of 2018 and no mortality was observed.

#### **Adaptive Management**

Once this project is implemented, improvements will be monitored to make sure they function as intended. In the future, as we learn more, plans will be adjusted to accommodate lessons learned. Trail or trail alignment modifications, seasonal or permanent trail closures, and adjustments to parking areas will be considered as need arises.

<sup>1</sup> Katy Weil has worked in wildlife conservation and environmental public policy for 37 years. She currently serves as a senior science analyst within Metro's Parks and Nature Conservation Program. She has been with Metro since 1998, and before that was the Oregon/Washington Coordinator for Partners in Flight, program director for the Audubon Society of Portland, and consultant for the United Nations Environment Programme, working with the Terrestrial Ecosystem and Programme Coordination Units, as well as working previously with the US Fish and Wildlife Service in the northeast. Katy has a background in wildlife biology, particularly effectiveness monitoring and management, and applies this within a restoration context. She is currently the senior co-chair of NW PARC. This working group consists of the western states and western Canada, and consists of scientists, academics, and land managers all working in reptile and amphibian research and conservation. Katy has a graduate certificate in international wildlife study from the UNGCP - United Nations Graduate Certificate Program through Long Island University and biology degree. She has completed amphibian monitoring techniques courses, and organized, presented, and moderated amphibian research talks at numerous conferences.

<sup>2</sup> Jonathan Soll has been the Science Division Manager for Metro since 2009. He leads a team of natural resources scientists responsible for setting natural area acquisition and restoration priorities and for implementing and tracking restoration projects on Metro's portfolio of nearly 17,000 acres. Jonathan and his team are also responsible for representing Metro regionally on conservation science issues and working with partners on conservation oriented projects throughout the region. Jonathan's training includes a biology degree from Reed College with thesis work in Evolutionary Biology; and a Master's degree in Forest Ecosystem Analysis from the University of Washington, College of Forest Resources. He has since spent over 25 years doing practical conservation biology and natural resources management in the Pacific Northwest.

*Jonathan’s conservation work has focused on three main tracks: restoration ecology, especially controlling invasive species to restore high quality habitat; conservation planning and monitoring for enhancing management effectiveness; and, developing conservation priorities for large landscapes. Before joining Metro in 2009, Jonathan worked for the Nature Conservancy in Oregon and Washington for 16 years. He served as Field Ecologist (OR), Shrub-steppe Project Manager (WA), Portland Area Preserves Manager (OR) and Willamette Basin Conservation Director (OR).”*

**Staff:** This standard requires that proposal will not adversely affect natural resources. Natural resources located within the Burlington Creek forest unit include timber, soil, habitat, and ‘ecosystem services’ that contribute to clean air and water, slope stabilization, and carbon sequestration among other things. Metro’s habitat and conservation plans serve to protect and enhance the natural resources present over the entirety of the site. There is little question that Metro’s resource management and enhancement activities easily meet this standard in the areas set aside from public access in the Burlington Creek unit (125 acres of the 340 acre site). So, this analysis limited to the 125 acres of Burlington Creek that would include recreational trails.

Some of the written testimony received questions whether habitat protection and enhancement can be achieved while introducing recreational trails (along with people) into the parks, especially in reference to the Burlington Creek Forest unit. There is concern that the trails will fragment habitat and affect wildlife, especially the Western Red Legged frog, a species listed by the State of Oregon as a species of concern. There is also concern regarding potential erosion from trail use; although erosion is primarily addressed in the Hillside Development permit section of this report (Section 6.00), soil is also a natural resource and slope stability and erosion have a direct bearing on natural resources such as water quality and nearby fauna.

Metro responds to these concerns indicating that the Burlington Creek Forest was previously logged and that the site contains degraded resource values, which will be improved even with the introduction of recreational trails and supporting infrastructure. Metro’s conservation plan (Exhibit A.3.17) indicates that the entirety of the Burlington Creek, inclusive of areas where recreational trails are proposed will benefit from resource enhancement work that will improve the habitat value over present conditions.

Metro has responded to concerns about potential impacts to red-legged frogs by indicating that the frogs tend to move through the area at night and during rain events which would see little to no trail usage at those times.

Metro also indicates that they have addressed guidance provided by ODFW by,

“...utilizing existing roads for visitor use and reduced habitat fragmentation; providing a buffer between trails and infrastructure from streams; minimizing impacts to streams by using bridges that do not constrain the stream channel; improving existing stream crossings to improve/protect stream flow and riparian area function, water quality and habitat, trail and road decommissioning; designing trails to minimize erosion and rutting; and surveying wildlife presence.”

Metro indicates they,

“...began conducting amphibian road mortality surveys at Burlington Creek Forest in 2018. This monitoring will continue and add a trail component through access development. This will allow Metro to document pre and post construction mortality of amphibians and document and respond to any changes.”

Metro further promises to continue monitoring as the proposed trails are developed and used and that the adaptive management will be employed in response to the results of the monitoring.

	<p>Proposed responses could include, “Trail or trail alignment modifications, seasonal or permanent trail closures, and adjustments to parking areas will be considered as need arises.”</p> <p>Staff encourages the proposed monitoring but lacks the authority to require it.</p> <p>Staff finds that Metro’s commitment to conservation and habitat enhancement as demonstrated in Metro’s conservation plan supports compliance with this standard, <i>This standard is met.</i></p>
<b>10.07</b>	<p><b>(C) The use will not:</b></p> <p><b>(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor</b></p> <p><b>(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.</b></p> <p><b>Staff:</b> The purpose of the standard is to ensure that the proposed use, in this case a ‘local park’ will not force a significant change in or significantly increase the cost of forestry and farming on the surrounding CFU zoned lands. There are no EFU lands surrounding the Burlington Creek site – though agriculture is permitted in the CFU zone.</p> <p>The proposed parking, restrooms and trails and bridges will be located far away enough (130 feet or more) from surrounding properties that there will be no significant change or increase the cost of forestry and farming on surrounding lands. <i>The standard is met.</i></p>
<b>10.08</b>	<p><b>(D) Will not require public services other than those existing or programmed for the area;</b></p> <p><b>Staff:</b> Services such as sanitation, and stormwater facilities serving the proposed trailhead development will be placed and maintained on site by Metro. Police and Fire services will be provided by the Multnomah County Sheriff’s Office and Oregon Department of Forestry respectively (Exhibits A.3.32 and A.7.2). <i>The standard is met.</i></p>
<b>10.09</b>	<p><b>(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;</b></p> <p><b>Staff:</b> The proposed development in Burlington Creek Forest are located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife (Exhibit B.18). <i>The standard is met.</i></p>
<b>10.10</b>	<p><b>(F) Will not create hazardous conditions;</b></p> <p><b>Staff:</b> The applicant has satisfactorily addressed the criterion. Wildfire risk is likely increased by the introduction of the public onto the site given that most of wildfires are human caused (Exhibit B.19). Metro’s forest management along with monitoring public activities on the site will likely mitigate the chance of wildfire on the site. Metro also indicates that it will follow the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions and that if very high fire conditions are present, Metro would prevent certain activities and may temporarily close areas. The</p>

	Oregon Department of Forestry is the wildfire authority and that agency has not raised concerns after reviewing the proposal (Exhibit A.7). <i>The standard is met.</i>
10.11	<p><b>(G) Will satisfy the applicable policies of the Comprehensive Plan;</b></p> <p><b>Staff:</b> The findings below (Sections 10.11-1 through 10.11-6) address the Comprehensive Plan polices directly applicable to the Conditional Use Permit for recreational trail development in the Burlington Creek Forest unit in the CFU-1 base zone. Policies applicable to the Comprehensive Plan amendment are addressed in Section 10.00. The applicable policies of the Comprehensive Plan are satisfied.</p>
10.11-1	<p><b>Chapter 4 – Forest Land</b></p> <p><b>Goal: To conserve forest lands in forest zones for timber production, while practicing sound management of natural resources and hazards, providing for recreational activities where appropriate, and minimizing conflicts between forest production and non-forest production uses and activities.</b></p> <p><b>Applicant:</b> “<i>Except for the small portion of EFU land in North Abbey Creek Forest, the subject Master Plan property is zoned CFU 1 and CFU 2.</i></p> <p><i>The County’s Comprehensive Plan provides:</i></p> <p><i>‘Forest lands for timber production, natural habitat, recreation and open space are an important part of the character and economic base of Multnomah County. . . . These areas also provide opportunities for recreational use, as well as many environmental benefits, such as wildlife habitat, riparian areas, clean air, stormwater filtration, and carbon sequestration.’</i></p> <p><i>As provided for above and in further detail in the Master Plan, Metro’s North Tualatin Mountains Natural Area represents every condition and opportunity that the County’s Comprehensive Plan promotes. The land is currently managed and master planned to conserve and rehabilitate the forest resources, avoid sensitive natural resources and hazards, and provide for limited recreational activities in appropriate and scientifically supported locations. Access and trail development are entirely contained on Metro property and will not conflict with forest production on adjacent forestry lands. This goal is being promoted.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding (Exhibit A.4.9). Metro’s Master Plan aligns with the Forest Land Goal and provides an appropriate location for recreational activities. <i>The proposal conforms to the intent of this goal.</i></p>
10.11-2	<p><b>Policy 4.3 Require that applications for new development comply with Lot of Record standards described in the CFU zoning code.</b></p> <p><b>Applicant:</b> “<i>The subject plan amendment application is not an application for new development. However, Metro’s companion application, which seeks land use approval for new visitor access improvements at Burlington Creek Forest, is an application for new development and in which</i></p>

	<p><i>applicant has demonstrated compliance with Lot of Record standards. This policy is not applicable or otherwise met.”</i></p> <p><b>Staff:</b> New trails and related trailhead infrastructure (parking area, restroom, etc.) are new development – all of which are located in the Burlington Creek Forest unit in the CFU-1 zone. As found in Section 8.00 the properties subject to new development are lots of record. <i>The policy is satisfied.</i></p>
10.11-3	<p><b>Policy 4.4 Allow forest management with related and compatible uses and restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development.</b></p> <p><b>Applicant:</b> “As detailed above and further described in the Master Plan, Metro’s Master Plan represents a plan that promotes forest management with limited permitted and compatible recreational uses in select and appropriate locations on the property.”</p> <p><b>Staff:</b> Trails and trail related development in the Burlington Creek Forest Unit are within the CFU-1 zone district (Exhibit B.61). Forest management is a permitted use in the CFU-1 zone (MCC 33.2220(A)). The proposed trails and parking area are appropriate compatible development that, in addition to facilitation trail use, facilitate access to the forest internal to the site for the purposes of continued forest management. <i>The proposal conforms to the intent of this policy.</i></p>
10.11-4	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal:</b> To help meet the recreational needs of Multnomah County rural residents and visitors to its rural areas through support of, and coordination with local, regional, state, and federal agencies that manage recreation facilities and sites within the County.</p> <p><b>Policies and Strategies Applicable County-wide</b></p> <p>The policies in this section focus on coordination with other agencies in planning for and providing recreational facilities and services and with balancing recreational needs with goals for natural resource protection. Additional related policies are found in Chapter 5 of this plan and in the County’s Transportation System Plan (referenced in Chapter 12).</p> <p><b>Parks and Recreation Planning</b></p> <p><b>Policy 8.1</b> Support efforts of the Intertwine Alliance, Metro, and other organizations in establishing a coordinated approach to create and maintain a strong, interconnected regional network of parks, trails, and natural areas.</p> <p><b>Policy 8.2</b> Encourage the development of recreation opportunities by public agencies and private entities consistent with wildlife habitat and wildlife corridor protection.</p> <p><b>Policy 8.3</b> Coordinate with other agencies in strategically siting new public recreational facilities to take advantage of existing infrastructure that allow for multi-modal access opportunities and shared parking. An example would be joint use of park and school facilities by locating them adjacent, or close, to each other.</p>

***Strategy 8.3-1: Include provisions in the Zoning Code for privately owned and operated recreational facilities as conditional uses in appropriate zones.***

**Policy 8.4** Ensure that the residents of areas outside of the urban growth boundary are represented on parks and open space issues.

***Strategy 8.4-1: Encourage Metro to appoint residents representing different rural areas of Multnomah County to Metro’s parks and greenspaces citizens’ advisory boards.***

**Policy 8.5** Consider the impacts of proposed recreation facilities on nearby private properties and require applicants to avoid and minimize significant adverse impacts to nearby properties.

**Applicant:**

*“Multnomah County does not own or manage any parks or recreational facilities. The County relies on a variety of other private organizations, local, regional, state, and federal agencies, including Metro, to provide for a wide range of natural areas, parks, and recreational activities to serve County residents.*

*Metro is a regional government agency serving Multnomah County residents and the greater Portland area. Metro, as a parks service provider, has its roots in Multnomah County and the County’s park system. In 1995, Metro assumed ownership and operation of a number of park and recreational facilities previously owned and operated by the County, including Oxbow Regional Park, Blue Lake Regional Park, Glendoveer Golf Course and Fitness Trail, Howell Territorial Park, Gleason Memorial Boat Ramp, Broughton Beach, Chinook Marine Facility, historic cemeteries, and a number of other facilities. Metro also owns and manages a number of natural areas and nature preserves in Multnomah County which are managed to protect water quality, promote fish and wildlife habitat, and provide access to nature. Metro’s facilities provide a diverse range of outdoor recreational opportunities and experiences, including boating, hiking, bicycling, horseback riding, wildlife viewing and education, and general scenic and recreational access.*

*Today, Metro Parks and Nature protects water quality, fish and wildlife habitat and creates opportunities to enjoy nature close to home through a connected system of parks, trails and natural areas. Connecting with nature provides physical, mental, spiritual, and economic benefits for the County’s residents.*

*In 2013, voters approved a five-year levy to help care for regional parks and natural areas. As a result, Metro is restoring habitat, and expanding opportunities to experience and learn about nature throughout Multnomah County. Roughly half of all levy funds go toward land restoration and management, including controlling invasive plants, planting native species, and improving habitat for fish and wildlife. The remainder of the levy pays for park maintenance and improvements, volunteer programs, conservation education, community grants and natural area improvements for visitors. The 2013 levy specifically identified sites in the North Tualatin Mountains as opportunities to provide access to nature.*

*Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region's water quality; and provide trail connections between the region's largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.*

*The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. See Exhibit 2 [Exhibit A.3.18]. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.*

*Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities. Metro scientists then worked with Metro's planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case. The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. Metro received hundreds of comments, ranging from wanting to keep all four sites completely closed to public access, to wanting extensive trails and other improvements across all four sites.*

*The plan establishes project goals and objectives, outlines site resources and conditions, and summarizes the planning process. Employing principles of landscape ecology and landscape-level design strategies, the plan identifies access locations and approximate trail locations. It also presents a general plan for development of trailheads and strategies for implementing future development.*

*The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for connections between Forest Park and the Coast Range. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. To do so, the plan:*

- Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- Integrates landscape-level analysis and community desires into decision-making;*
- Identifies and accesses the best location for day use and trail heads;*
- Utilizes existing road and trails and locates new trails where habitat is already fragmented while minimizing new fragmentation;*
- Employs sustainable trail construction techniques;*
- Provides safe ingress and egress and internal movement of vehicles and pedestrians;*

- *Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports; and*
- *Requires continuing monitoring of water quality and habitat impacts and the flexibility to make adjustments if needed.*

*Metro envisions visitor improvements at two of the four sites: initially at Burlington Creek Forest and subsequently, and minimally, at McCarthy Creek Forest. The location and extent of envisioned improvements were dictated by site conditions, including existing roads, trails, use and sensitive areas, as well as site limitations, including fairly steep topography and forested hillsides, which are typical of the surrounding landscape. Ennis Creek Forest and North Abbey Creek Forest will remain natural areas, with the exception of the future Pacific Greenway Trail envisioned through Ennis Creek Forest.*

*All four sites are significantly altered and damaged by prior land management activities. Site stabilization and restoration work at all four sites have already begun in earnest. Activities include invasive weed control, thinning, planting native plants and trees, erosion control, road maintenance (including decommissioning), and stream improvements. The land management activities also reduce long-term fuel and wildfire risk and make the forest more resistant to disease. Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon to support this and future work.*

*Metro's restoration work and long-term management strategy includes identifying and reducing fire risks where possible. An Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Incident Action Plans are developed prior to implementing formal public access. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.*

*Site rehabilitation and management is pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aims to protect and enhance the North Tualatin Mountain's natural and scenic resources and to create a place for wildlife to thrive. See Exhibit 3 [Exhibit A.3.19]. Metro is committed to engaging in sustainable forestry practices, including restoring old-growth habitat, increasing the biodiversity of forests through selective harvesting, management and plantings, preserving connectivity, supporting wildlife, and protecting clean water. Unneeded roads will be decommissioned.*

*In planning for access, five potential entry locations (at least one at each of the four forests) were evaluated to understand the feasibility of providing safe ingress and egress. While the five locations were all determined to be feasible, the location, site conditions, conservation goals, and the varying degree of improvements needed to provide safe and sufficient access dictated which access opportunities were most appropriate. Other specific considerations given were trail construction feasibility, environmental considerations, stakeholder and community input, and the access objective, providing opportunities for meaningful experiences of nature. Knowing that people experience and connect with nature in many different ways, Metro sought to provide welcoming entries; provide a system of trails that serve appropriate multiple uses and trail users of differing abilities; provide access to viewpoints and key natural features; promote visitor safety; and reduce and mitigate potential impacts on the surrounding community; among others. The two plus year*

	<p><i>planning and public review process resulted in the preferred alternative represented in the Master Plan.</i></p> <p><i>Additionally, during the pre-application conference, concerns were raised that the amount of parking represented in the Master Plan for the planned visitor access improvements at Burlington Creek Forest (15-20 spaces) were not sufficient. In response to those concerns, Metro has redesigned the parking lot planned for Burlington to include 25 spaces. As demonstrated by the Traffic Impact report, that number of spaces is sufficient to accommodate anticipated usage. See Exhibit 5 [Exhibit A.3.22].</i></p> <p><i>Implementing the Master Plan will nurture healthy forests and streams and create healthy habitat for a variety of native and sensitive animals, while providing meaningful experiences in nature for area and County residents.</i></p> <p><i>The North Tualatin Mountains is just the type of place voters of Multnomah County had in mind when they invested in protecting natural resources and acquiring land for future parks and visitor access.</i></p> <p><i>By supporting Metro’s Master Plan, the County will be promoting policies 8.1, 8.2, 8.3, 8.4, and 8.5.”</i></p> <p><b>Staff:</b> Staff concurs and adopts the applicant’s proposed finding. The application for a nature park and recreational trails directly supports the Comprehensive Plan recreation goal and policies 8.1 through 8.5 because Metro is a regional parks provider that has developed a park master plan for the North Tualatin Mountains in consultation with community members, public agencies, and subject matter experts. <i>The proposal conforms to policies 8.1 through 8.5.</i></p>
<p><b>10.11-5</b></p>	<p><b>Development Requirements</b></p> <p><b>Policy 8.6     Require areas for bicycle parking facilities in development proposals where appropriate.</b></p> <p><b>Applicant:</b>  <i>“The Master Plan contemplates providing bicycle parking facilities at the planned access locations. This policy is met.”</i></p> <p><b>Staff:</b> Policy 8.6 requires the provision of bicycle parking where appropriate. It is reasonable to expect that visitors may need to periodically secure their bicycles near in the parking area near the restroom, because the Burlington Creek Forest recreational trails will serve bicyclists. Condition B.4 requires the applicant to provide bicycle parking on the final design review plan in consultation with the Multnomah County Bicycle and Pedestrian committee. <i>As conditioned, the proposal conforms with the policy.</i></p>
<p><b>10.11-6</b></p>	<p><b>West Hills Policies and Strategies</b></p> <p><b>Policy 8.7     Support the natural systems and recreational values of Forest Park and adjacent areas in concert with the City of Portland, Metro, and other agencies.</b></p> <p><b>Strategy 8.7-1: Promote and provide incentives for voluntary use of conservation easements and habitat protection by property owners.</b></p>

**8.8 Support only those recreational activities within the West Hills area that are consistent with, and do not cause significant negative impacts on, natural and environmental resources that are identified in Goal 5.**

**Applicant:** *“Metro Parks and Nature protects water quality, fish and wildlife habitat and creates opportunities to enjoy nature close to home through a connected system of parks, trails and natural areas. Connecting with nature provides physical, mental, and spiritual benefits for the County’s residents.*

*Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region’s water quality; and provide trail connections between the region’s largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.*

*The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. See Exhibit 2 [Exhibit A.3.18]. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.*

*Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities. Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case. The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. Metro received hundreds of comments, ranging from wanting to keep all four sites completely closed to public access, to wanting extensive trails and other improvements across all four sites.*

*The plan establishes project goals and objectives, outlines site resources and conditions, and summarizes the planning process. Employing principles of landscape ecology and landscape-level design strategies, the plan identifies access locations and approximate trail locations. It also presents a general plan for development of trailheads and strategies for implementing future development.*

*The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for connections between Forest Park and the Coast Range. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. To do so, the plan:*

- Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- Integrates landscape-level analysis and community desires into decision-making;*

- *Identifies and accesses the best location for day use and trail heads;*
- *Utilizes existing road and trails and locates new trails where habitat is already fragmented while minimizing new fragmentation;*
- *Employs sustainable trail construction techniques;*
- *Provides safe ingress and egress and internal movement of vehicles and pedestrians;*
- *Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports; and*
- *Requires continuing monitoring of water quality and habitat impacts and the flexibility to make adjustments if needed.*

*Metro envisions visitor improvements at two of the four sites: initially at Burlington Creek Forest and subsequently, and minimally, at McCarthy Creek Forest. The location and extent of envisioned improvements was dictated by site conditions, including existing roads, trails, usage and sensitive areas, as well as site limitations, including fairly steep topography and forested hillsides, which are typical of the surrounding landscape. Ennis Creek Forest and North Abbey Creek Forest will remain natural areas, with the exception of the future Pacific Greenway Trail envisioned through Ennis Creek Forest.*

*All four sites are significantly altered and damaged by prior land management activities. Site stabilization and restoration work at all four sites has already begun in earnest. Activities include invasive weed control, thinning, planting native plants and trees, erosion control, road maintenance (including decommissioning), and stream improvements. The land management activities also reduce long-term fuel and wildfire risk and make the forest more resistant to disease. Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon to support this and future work.*

*Metro’s restoration work and long-term management strategy includes identifying and reducing fire risks where possible. An Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Incident Action Plans are developed prior to implementing formal public access. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.*

*Site rehabilitation and management is pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aims to protect and enhance the North Tualatin Mountain’s natural and scenic resources and to create a place for wildlife to thrive. See Exhibit 3 [Exhibit A.3.19]. Metro is committed to engaging in sustainable forestry practices, including restoring old-growth habitat, increasing the biodiversity of forests through selective harvesting, management and plantings, preserving connectivity, supporting wildlife, and protecting clean water. Unneeded roads will be decommissioned.*

*In planning for access, five potential entry locations (at least one at each of the four forests) were evaluated to understand the feasibility of providing safe ingress and egress. While the five locations were all determined to be feasible, the location, site conditions, conservations goals, and the varying degree of improvements needed to provide safe and sufficient access dictated which access opportunities were most appropriate. Other specific considerations given were trail construction feasibility, environmental considerations, stakeholder and community input, and the access objective, providing opportunities for meaningful experiences of nature. Knowing that people experience and connect with nature in many different ways, Metro sought to provide welcoming entries; provide a system of trails that serve appropriate multiple uses and trail users of differing abilities; provide access to viewpoints and key natural features; promote visitor safety; and reduce and mitigate potential impacts on the surrounding community; among others.*

	<p><i>The two-plus year planning and public review process resulted in the preferred alternative represented in the Master Plan.</i></p> <p><i>Implementing the Master Plan will nurture healthy forests and streams and create healthy habitat for a variety of native and sensitive animals, while providing meaningful experiences in nature for area and County residents.</i></p> <p><i>The North Tualatin Mountains is just the type of place voters of Multnomah County had in mind when they invested in protecting natural resources and acquiring land for future parks and visitor access.</i></p> <p><i>As stated in the comprehensive plan, a variety of local, state, and regional plans and policies are relevant to planning for parks and recreation in Multnomah County.</i></p> <p><i>At page 8-7, the Comprehensive Plan provides: “Individual park or recreation facility plans, such as those for Oxbow Park, Columbia River Gorge facilities, Howell Territorial Park and others guide activities at those sites.” As such, the County’s Comprehensive Plan specifically contemplates park facility plans and entrusts park providers, such as Metro, in that effort.</i></p> <p><i>This application is an effort to include the park and recreation facility Master Plan for the North Tualatin Mountains within the County’s Comprehensive Plan to guide activities at those sites.</i></p> <p><i>Metro’s master plan supports the natural systems and recreational values of Forest Park and adjacent areas. It protects 1,300 areas for wildlife habitat and water quality, preserving an important habitat connection between Forest Park and protected public lands in the coast range.</i></p> <p><i>Proposed recreation opportunities including; hiking, off-road cycling, horseback riding, wildlife viewing and nature education, build on the opportunities available within Forest Park. While Metro acknowledges that any trail development affects wildlife and water quality at a site, we are of the opinion, based on our experience as a natural area land manager, that affects will be modest. Metro has had a leading role in habitat protection and restoration in the region and has taken the minimal footprint approach on the four North Tualatin Mountain sites as a whole.</i></p> <p><i>By supporting Metro’s Master Plan, the County will be promoting policies 8.7 and 8.8.”</i></p> <p><b>Staff:</b> Metro’s North Tualatin Mountains Access Master Plan is supportive of policies 8.7 and 8.8. Specifically, the plan identifies “suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.”, and was developed in consultation with Portland Parks &amp; Recreation. Further, the plan provides for the protection and enhancement of habitat and balances recreational goals with resource protection goals. <i>The proposal conforms to the intent of these policies.</i></p>
10.12	<p><b>(H) Will satisfy such other applicable approval criteria as are stated in this Section.</b></p> <p><b>Staff:</b> There are no other applicable approval criteria in this (Community Service Use) Section. <i>The standard is met.</i></p>

**11.00 Comprehensive Plan Policies and Proposed Amendment:**

11.01	<p><b>37.0705 TYPE IV QUASI-JUDICIAL PLAN AND ZONE CHANGE APPROVAL CRITERIA.</b></p>
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	<p><b>(A) Quasi-judicial Plan Revision. The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the following standards are met:</b></p> <p><b>(1) The plan revision is consistent with the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;</b></p> <p><b>Applicant:</b> <i>“No goal exception is required or sought. As such, ORS 197.732 is not applicable. This standard is met or otherwise not applicable.”</i></p> <p><b>Staff:</b> The applicant has not proposed a goal exception and a goal exception is not necessary. <i>Subsection (1) is not applicable.</i></p>
11.02	<p><b>(2) The proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use; and</b></p> <p><b>Applicant:</b> <i>“Metro demonstrates compliance with the relevant and applicable policies in the comprehensive plan by findings supported by substantial evidence. Metro is not requesting a plan map amendment, and as such, the second portion of the above standard is not applicable.”</i></p> <p><b>Staff:</b> As demonstrated in the findings in this Section (Sections 11.01 through 11.108), the applicant has demonstrated this standard is met. Metro is not requesting a land use plan map amendment. <i>The standard is met.</i></p>
11.03	<p><b>(3) The uses allowed by the proposed changes will:</b></p> <p><b>(a) Not destabilize the land use pattern in the vicinity;</b></p> <p><b>Applicant:</b> <i>“To avoid repetition, applicant respectfully directs the reviewer to sections 3 and 4 above (pages 5-19 of [Exhibit A.4]). The information and exhibits referenced therein demonstrate that the master planned restoration and limited recreational improvements are consistent with area land uses and will not destabilize the area’s land use pattern. In short, 1,300 acres of natural areas will be enhanced and protected in perpetuity as part of this application, thereby contributing to and stabilizing the area’s rural community identity.”</i></p> <p><b>Staff:</b> See combined staff response for (3)(a) and (b) below.</p> <p><b>(b) Not conflict with existing or planned uses on adjacent lands; and</b></p> <p><b>Applicant:</b> <i>“To avoid repetition, applicant respectfully directs the reviewer to sections 3 and 4 above (pages 5-19 [of Exhibit A.4]). The information and exhibits referenced therein demonstrate that the master planned restoration and limited recreational improvements do not conflict with existing or planned uses on adjacent land.”</i></p>

*Metro also provides the following additional information in response to the standard.*

*Burlington Creek Forest: For purposes of this standard, the analysis area are those lands adjacent to the Burlington Creek Forest Natural Area. Metro's Burlington Creek Forest site is located on the east-facing slopes of the mountain ridge and is similar in character to Forest Park, with forested hillside and fairly steep topography typical of the area.*

*The area adjacent to Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, and ancient forest preserve.*

*Surrounding land uses of note include the following:*

- Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.*
- Rural Residential: Residential areas composed primarily of rural residential parcels. Many parcels 20 acres or greater in size are located along NW McNamee, west of the forest. Small residential parcels are located adjacent to Hwy 30, below the forest.*
- Ancient Forest Preserve: The Ancient Forest, owned and managed by the Forest Park Conservancy, protects nearly 40 acres of old growth forest adjacent to the southwest corner Burlington Creek Forest site. The conservancy welcomes visitors to the Ancient Forest and has recently extended the trail system.*
- Burlington Water District: A water district tower is located in the interior of Metro's Burlington Creek Forest property.*

*The residential uses adjacent to Hwy 30 are typically solely residential in nature. The railroad line is located west of the homesites, with Burlington Creek Forest, uphill from the rail line. The residential uses on both sides of NW McNamee in the immediate vicinity of subject property and further south have forest lands associated with them. The closest homesite along NW McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.*

*There are no commercial farming activities occurring on lands adjacent to the property.*

*The timber/forestry related activities that may occur on the properties adjacent to McNamee and the subject property, if the owners were to engage in harvesting activities, include: Timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance. The forestry operations are located a substantial distance from the proposed access improvements. Therefore, no activities proposed will result in significant impacts to or conflict with area forest uses.*

*Proposing and confining the access improvements to the interior of the site and buffering those uses with additional Metro land holdings further isolates the use and thereby minimizes conflicts, if any.*

*Currently, the subject forested site is used for recreational activities in an informal and largely unsupervised manner. Visitors access the site via the existing access drive, park vehicles adjacent to the existing gate and adjacent to NW McNamee Drive, and recreate on the property in a variety of ways, including hiking, bicycling and horseback riding. Informal access also occurs via a neighbor built trail. Activities occurring on site currently do not impede any forestry operations in the general vicinity. Metro is proposing to formalize and improve visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring.*

*Additional impacts to the surrounding neighborhoods from proposed site improvements and formalized public use will be minimal. The site is isolated from adjacent property and uses given its sheer size. Uses are promoted in the interior of the forest. Additional Metro objectives include: Providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, providing setbacks and buffers, and monitoring the use.*

*There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate.*

*Given the distance of potential resource related activities from the subject property, as well as the location of the use activities made within the forest, together with topographical protections, the potential for conflicts is minimal to none. This standard is met.*

*Ennis Creek Forest: For purposes of this standard, the analysis area are those lands adjacent to the Ennis Creek Forest Natural Area. Metro's Ennis Creek Forest site is located on the east-facing slopes of the mountain ridge.*

*The area surrounding Ennis Creek Forest contains a mixture of land uses including residential, timber harvest, and gravel extraction. However, given its location on the eastern slope with the railroad lines and State Hwy 30 to the east, the property is rather isolated from surrounding uses. Additional infrastructure include power line corridors running the length of the eastern portion of the site and logging roads.*

*Surrounding land uses of note include the following:*

- Quarry: An operational quarry, located along U.S. Highway 30 north of Ennis Creek Forest.*
- Rural Residential: Residential areas composed primarily of rural residential parcels are located west and south of the forest (adjacent to Newberry and McNamee Roads) and also adjacent to Hwy 30, below the forest.*

*The residential uses adjacent to Hwy 30 are typically solely residential in nature. The residential uses on both sides of NW McNamee and Newberry Roads in the immediate vicinity of subject property have forest lands associated with them. The homesites along McNamee are a substantial distance from Ennis Creek Forest, with substantial forest between them and the site. The homesites along Newberry Road are closer to the forest site, with mature trees located in between.*

*There are no commercial farming activities occurring on lands adjacent to the property.*

*The timber/forestry related activities that may occur on the adjacent properties, if the owners were to engage in harvesting activities, include: Timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance.*

*The subject property is currently used for recreational purposes and resource management. Activities occurring on site currently do not impede or conflict with any forestry operations or rural residential uses occurring in the general vicinity. Except for a potential regional trail connecting with the Oregon Coast Trail, the forest will be managed for forest health, ensuring significant buffers between the Metro property/uses and adjacent uses. The potential for conflicts is minimal to none. This standard is met.*

*McCarthy Creek Forest: For purposes of this standard, the analysis area are those lands adjacent to the McCarthy Creek Forest Natural Area. Metro's McCarthy Creek Forest site is located in the headwaters of McCarthy Creek.*

*The area surrounding McCarthy Creek Forest contains a mixture of land uses including residential, timber harvest, and farming. McNamee Road is east of the site and Skyline Boulevard is to the south.*

*Surrounding land uses of note include the following:*

- Rural Residential: Residential areas composed primarily of rural residential parcels are located along McNamee, west of the forest, and also adjacent to Skyline, below the forest.*
- Skyline Elementary School: The school is located north of Skyline Boulevard and southwest of the forest.*
- Tualatin Valley Fire and Rescue: The station is located north of Skyline Boulevard and southwest of the forest.*

*The residential uses along McNamee in the immediate vicinity of the subject site have forest lands associated with them.*

*The residential uses along Skyline in the immediate vicinity of the site have forest uses and some farm uses associated with them.*

*The farm uses occurring on lands adjacent to the property (north of Skyline) are currently done in close proximity to the elementary school. The elementary school represents an intensive use that coexists with the rural residential and resource uses in the vicinity. There are a few properties that appear to be in hay production. Farming activities involve adequate control of weeds, insects, and disease as necessary and is often achieved by spraying pesticides and fungicides. For those pasture or hayfields that are actively managed in the area, fertilizer is generally applied once or twice in the spring with tractor and spreader. Herbicide spray is broadcast on the ground with tractor boom, and blackberries are generally sprayed with a wand using Crossbow or Garlon. Hay fields are cut and baled usually twice in the summer. Crops are harvested with combines. Mechanical equipment uses public roadways to manage farms and haul product to market.*

*The timber/forestry related activities that may occur on the properties adjacent to McNamee and the subject property, if the owners were to engage in harvesting activities, include: Timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance. The forestry operations are located a substantial distance from the proposed access improvements.*

*Proposing and confining the planned limited access improvements to the southeast interior of the forest isolates the use from area rural residences and away from NW Skyline uses, and thereby minimizes impacts, if any.*

*The subject property is currently used for recreational purposes. People walk and ride bikes and horses on existing logging roads and trails, and access the site primarily via the existing access road from NW McNamee Road. Activities occurring on site currently do not impede any forestry or farming operations occurring in the general vicinity. Metro is proposing visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring, intending to reduce the potential for conflicts.*

*Although the site is isolated from neighbors given its sheer size and uses promoted in the interior of the forest, to minimize impacts to the surrounding neighborhoods from site development and public use, Metro objectives include: Providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, monitoring use, and providing setbacks and buffers.*

*There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads*

*upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate.*

*Except for a planned small parking area and the few existing logging roads and trails that will continue to support recreational uses in the SE corner of the McCarthy Creek Forest, the remainder of the site will be managed for forest health, ensuring significant buffers between the Metro property/uses and adjacent uses.*

*Given the distance of potential resource related activities from the subject property, as well as the location of the use activities made within the forest, together with topographical protections, the potential for conflicts is minimal to none. This standard is met.*

*North Abbey Creek Forest: For purposes of this standard, the analysis area are those lands adjacent to the North Abbey Creek Forest Natural Area. Metro's North Abbey Creek Forest site is located south of Skyline Boulevard.*

*The area surrounding North Abbey Creek Forest contains a mixture of land uses including residential, timber harvest, and farm uses.*

*Surrounding land uses of note include the following:*

- Rural Residential: Residential areas composed primarily of large rural residential parcels are located west, south and east of the forest.*
- Multnomah County Road Maintenance Facility. Located immediately west of the forest.*

*The land east/southeast of the site and in the immediate vicinity is a rural subdivision, including land owned by a homeowners association. The land is used for and supports residential purposes.*

*The land west and northeast of the site have farm uses associated with them. The properties appear to be in hay production. Farming activities involve adequate control of weeds, insects, and disease as necessary and is often achieved by spraying pesticides and fungicides. For those pasture or hayfields that are actively managed in the area, fertilizer is generally applied once or twice in the spring with tractor and spreader. Herbicide spray is broadcast on the ground with tractor boom, and blackberries are generally sprayed with a wand using Crossbow or Garlon. Hay fields are cut and baled usually twice in the summer. Crops are harvested with combines. Mechanical equipment uses public roadways to manage farms and haul product to market.*

*The timber/forestry related activities that may occur on the properties adjacent to McNamee and the subject property, if the owners were to engage in harvesting activities, include: Timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance. The forestry operations are located a substantial distance from the proposed access improvements.*

*The site is managed for forest health. Activities occurring on site currently do not impede or conflict with any forestry or farm operations or rural residential uses occurring in the general vicinity. There is no potential for conflicts with surrounding uses. This standard is met."*

**Staff:** Staff concurs with, adopts, and supplements Metro's proposed finding. Properties in the vicinity of the proposed parkland consist of rural residences, forest lots and farms. The proposed park uses such as recreational trail use and related parking and trailhead development will not have any significant effect on surrounding land uses listed by the applicant nor will it conflict with existing or planned uses on adjacent lands because the existing zoning ensures that the existing land use pattern in the vicinity is likely to remain much the same into the future. Further, parking will be managed on site.

	<p>Therefore, the proposed park designation and associated recreational trails, will not destabilize the land use in the vicinity and will not conflict with existing or planned uses on adjacent lands. <i>The standard is met.</i></p>
<p><b>11.04</b></p>	<p><b>(c) That necessary public services are or will be available to serve allowed uses.</b></p> <p><b>Applicant:</b> “Public services associated with the planned access improvements include police and fire services. In conjunction with the Burlington Creek Forest Access Development application, submitted in conjunction with this plan amendment application, Metro submitted service provider forms and comments from police and fire service providers indicating that the area and planned park are or can be served.</p> <p><i>Other customary public services associated with development, such as water, storm, and sewer, are not necessary to serve the planned recreational and resource management activities represented in the Master Plan. Currently, all potential service needs are planned for on-site accommodation, although power and water are available in the general area if those services are needed or otherwise sought by Metro. Otherwise, if water is desired, a well or water tank can be installed. All stormwater generated by an access improvement will be controlled on site.</i></p> <p><i>With respect to agency coordination surrounding emergency and fire service provisions, the Master Plan represents that an Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.”</i></p> <p><b>Staff:</b> Services such as water, sanitation, and stormwater facilities serving the proposed trailhead development will be placed and maintained on site by Metro (Exhibit A.3.20). Police and fire services will be provided by the Sheriff and Oregon Department of Forestry, respectively (Exhibits A.3.32 and A.7.2). <i>The standard is met.</i></p>
<p><b>11.05</b></p>	<p><b>(4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection.</b></p> <p><b>Applicant:</b> “Metro is not asserting that a proof of change in neighborhood or community or mistake in planning as a relevant factor. <i>This standard is not applicable.</i>”</p> <p><b>Staff:</b> The purpose of this standard is to additionally consider a change in the neighborhood or community that has occurred since plan adoption or to consider a mistake in the planning or zoning for the subject property if either factor is relevant. This standard is more relevant to zone change applications than to the current request, which seeks to incorporate Metro’s Master Plan into the County’s Comprehensive Plan and designate the four forest units as a local park. The proposed nature park is not related to either a change in the community nor to a mistake with respect to the planning or zoning of the property and Metro is not seeking a zone change; therefore, consideration of those particular factors is not required under this subsection. <i>The standard is not applicable.</i></p>

	<p><b>Multnomah County Comprehensive Plan Policies:</b> As explained above, MCC 37.075(A)(2) requires a showing that “[t]he proposal conforms to the intent of relevant policies in the comprehensive plan or that plan policies do not apply.” To address that standard, the following sections analyze whether the proposal conforms to the intent of the relevant policies in the Multnomah County Comprehensive Plan, or whether those policies do not apply.</p>
<p><b>11.06</b></p>	<p><b>Chapter 1 – Introduction and Citizen Involvement</b></p>
<p><b>11.07</b></p>	<p><b>Equity</b></p> <p><i>Equity and Empowerment Lens</i></p> <p><b>With the help of the County’s Equity and Empowerment Lens, this Comprehensive Plan seeks to incorporate and embody the County’s commitment to racial/ethnic equity and empowerment. The Equity and Empowerment Lens is a tool used to improve planning, decision-making, and resource allocation, which lead to more racially equitable policies and programs. At its core, it is a set of principles, reflective questions, and processes that focuses to shift the way we make decisions by deconstructing and reconstructing what is not working around racial equity, with an emphasis on engaging communities of color.</b></p> <p><b>Goal and Policies</b></p> <p><i>Equity</i></p> <p><b>Goal: To support access to all people and to ensure that planning policies and programs are inclusive.</b></p> <p><b>A number of policies related to equity have been incorporated in this Plan.</b></p> <ul style="list-style-type: none"> <li><b>1.1 Acknowledge the needs of low-income and minority populations in future investments and programs, including an equity analysis consistent with required federal, state, and local requirements.</b></li> <li><b>1.2 Consider and seek to achieve social and racial equity in evaluating and making planning decisions.</b></li> </ul> <p><i>Strategy 1.2-1: Incorporate an equity analysis when developing implementation standards, and processes that accounts for health, safety, and disparate impacts on low income, communities of color, and immigrant and refugee communities.</i></p> <p><b>Applicant:</b> <i>“An investment in Metro’s nature parks ensures a public benefit informed by principles of diversity, equity and inclusion. This important work includes providing parks and natural areas welcoming to all people so future park visitors reflect our region’s growing diversity.</i></p> <p><i>Metro’s commitment to the principles of diversity, equity and inclusion informed the selection of this project site and future plans for community education. The project Stakeholder Advisory Committee affirmed the importance of Burlington Creek Forest’s proximity and accessibility from the diverse neighborhoods of inner North and Northeast Portland, located just across the St. Johns Bridge and US Highway 30, which leads to the trailhead. Since 2014, Metro has partnered with the non-profit Self Enhancement Inc. (SEI) to connect hundreds of at-risk youth of color with nature programming at North Tualatin Mountains’ North Abbey Creek and McCarthy Creek sites. During the park planning process, SEI youth were exposed to nature education and conducted a joint planting party with the Northwest Trail Alliance.</i></p>

*Unfortunately, Burlington Creek Forest, in its current state, is not feasible for programming with youth as young as middle school age due to the lack of infrastructure, such as formal parking, restrooms, and wayfinding. Until such features are in place, SEI program opportunities will be limited to short-duration visits focused on high school students. Outreach to and partnerships with marginalized communities for nature education and engagement will be able to expand once trail construction is completed.”*

**Applicant: [Exhibit A.24, June 10, 2019]**

***“Diversity, Equity and Inclusion***

*Metro is proud to be leading efforts to advance equity in the region. In 2016, the Metro Council adopted the Strategic Plan to Advance Racial Equity, Diversity and Inclusion, declaring that “Metro will concentrate on eliminating the disparities that people of color experience, especially in those areas related to Metro’s policies, programs, services and destinations.” In 2019, the Parks and Nature department created its own Racial Equity, Diversity and Inclusion Action Plan in order to unify Metro’s commitment to racial equity, diversity, and inclusion with the department’s mission to connect people to nature while preserving and protecting water quality and fish and wildlife habitat.*

*The action plan covers every facet of Parks and Nature’s work, from hiring to department culture to community engagement to policy-making to contracts to daily tasks. Department action plan objectives advanced through the North Tualatin Mountains (NTM) project include:*

- Increasing the diversity of people and perspectives in the conservation movement.*
- Planning our regional system of parks, cemeteries, trails and natural areas with a racial equity lens.*
- Delivering relevant and inclusive programs and services.*
- Equitably planning and investing in Metro’s and the region’s system of parks, cemeteries, natural areas and trails.*
- Serving a broad base of user groups/County residents.*

*Metro’s nature parks ensure a public benefit informed by principles of diversity, equity and inclusion. This important work includes providing parks and natural areas that are welcoming to all people so future park visitors reflect our region’s growing diversity. Initial outreach and engagement with Self Enhancement Inc. (SEI) and Metro’s Youth Ecology Corps (YEC), indicate the potential of these partnerships. SEI serves at-risk youth of color from the inner city and East Multnomah County, while YEC provided meaningful job training in conservation to marginalized young adults. Hundreds of SEI and YEC participants have already spent time connecting with nature at Metro’s North Tualatin Mountain sites. It is Metro’s responsibility, and our honor, to build an equitable Parks and Nature system.*

*Since 2014, Metro has partnered with the non-profit Self Enhancement Inc. (SEI) to connect hundreds of at-risk youth of color with nature programming at North Tualatin Mountains’ North Abbey Creek and McCarthy Creek sites. During the park planning process, SEI youth were exposed to nature education and conducted a joint planting party with the Northwest Trail Alliance.*

*Metro and SEI staff recently explored opportunities for SEI participants to further engage in nature education at Burlington Creek Forest (BCF). Unfortunately BCF, in its current state, is not feasible for programming with youth as young as middle school age due to the lack of infrastructure such*

*as formal parking, restrooms, information and wayfinding. Until such features are in place, program opportunities with SEI are considered limited. Outreach to and partnerships with marginalized communities for nature education and engagement will expand once park construction is completed and the infrastructure is in place to provide a comfortable and welcoming experience.*

*Metro's Youth Ecology Corps (YEC) program provided diverse and marginalized youth a pathway towards meaningful work in conservation through leadership development and deepening their connections with nature. The YEC was a partnership between Metro and Project Youth Employability Support Services (Project YESS) to provide youths aged 16 to 21 in Multnomah County with paid work opportunities in habitat restoration, conservation education and workforce development. The YEC served low-income, at-risk, disconnected youths. Since project inception in 2014, thirty-five youth participated in Metro's YEC program with 60% of the participants identifying as persons of color.*

*YEC crew members completed important work in Metro's parks and natural areas to improve water quality, restore native plant communities, create wildlife habitat and enable public access to nature by building site improvements such as trails. Conservation education included collecting data for science projects and having fun outdoors, all while exploring and learning about some of Oregon's most beautiful places. Crew members gained valuable skills including real experience and how to get a job, potentially opening doors towards careers in the outdoors.*

*Metro's nature education programs are further making a deliberate effort to engage communities of color. Pilot programs have involved working with culturally specific groups to co-create and lead nature education programs for their community members. Metro will oversee final design and trail construction via Metro staff, professional contracted trail builders, and volunteer support. Metro hires Certified Office for Business Inclusion and Diversity (COBID) firms whenever possible to support inclusive and diverse businesses.*

*Burlington Creek Forest is an excellent opportunity for Metro to serve diverse user groups. Metro's commitment to the principles of diversity, equity, and inclusion informed the selection of the Burlington Creek Forest site and future plans for community education. The project Stakeholder Advisory Committee affirmed the importance of BCF's proximity and accessibility from the diverse neighborhoods of inner North and Northeast Portland, located just across the St. Johns Bridge and Oregon Highway 30.*

### **Accessibility and ADA Compliance**

*Providing opportunities to access nature for people with disabilities is integral to the work of Metro. The Parks and Nature department recently completed an ADA assessment of its destination sites. This work highlighted opportunities to provide access to nature for all at existing sites while also informing the design of future parks.*

*Metro will adhere to accessibility guidelines for parking, trailhead features, and signs following the U.S. Access board's 2013, Outdoor Developed Areas Accessibility Guidelines (ODAAG). Section 5 of the ODAAG describes the scoping and technical requirements as follows:*

*A trail has only one designed use that determines the design, construction, and maintenance parameters for the trail. A trail can have more than one managed use based on a management decision to allow other uses on the trails. Trails that have a designed use for hikers or pedestrians are required to comply with the technical requirements for trails in 1017. Trails that have a designed use for other than hikers or pedestrians are not required to comply with the technical requirements for trails in 1017.*

*Although trails at the North Tualatin Mountain sites will be managed for both hikers and mountain bikers, for purposes of complying with accessibility guidelines, mountain biking is the designed use. Thus, trails are not required to comply with the technical requirements for pedestrian trails. Also, compliance at the site is impracticable due to terrain and prevailing construction practices; as accessible trails would fundamentally alter the natural area function and purpose of the site. As new trails will be managed for both hikers and mountain bikers, trails are proposed to meet accessibility guidelines to the greatest extent possible to accommodate a wide range of visitors. While trails are not proposed to have a year round firm and stable surface, trail widths and grades of beginner level trails are designed to meet the guidance of the Architectural Barriers Act (ABA). Information about trail grades, width, and surfacing will be provided at the trailhead and on Metro’s website, so visitors may evaluate for themselves whether trails meets their level of ability, comfort level, and desire for challenge.*

*Accessibility guidance further allows park providers to take a programmatic approach towards providing access to nature for all. While it may not be possible to offer accessible hiking, fishing, camping, play, picnicking, nature education, etc. at every Metro site, an accessible version of each of these activities is intended within the program or portfolio of opportunities that Metro offers. While the North Tualatin Mountain sites are less feasible for accessible improvements, other Metro sites present good opportunities to accommodate people of all ages and abilities.”*

**Staff:** The intent of this policy is to ensure that racial, ethnic, and economic diversity are meaningfully considered in planning decisions. As Metro has explained, the principles of diversity, equity and inclusion were part of the planning process for the North Tualatin Mountain Park sites, and staff adopts Metro’s proposed findings relating to that process. Notably, the proposed trailhead access improvements will provide close-in access to the region’s diverse population. In depth findings are found in Section 4.08 of this report. *The proposal conforms to the intent of this policy.*

11.08

**1.3 Provide meaningful citizen engagement opportunities for communities of color in planning, decision-making, and evaluation.**

***Strategy 1.3-1: Review and work towards removal of barriers to equity through targeted outreach that results in meaningful participation and feedback.***

**1.4 Use the County Equity and Empowerment Lens when developing policy, implementing codes, and capital projects.**

**Applicant:** *“Policy 1.3 and 1.4 are not applicable. They represent procedural directions to the County to engage communities of color in planning and decision-making and to use the county equity and empowerment lens. Metro is making a concerted effort to involve underserved community members in our planning, decision-making and evaluation processes. Outreach to community based organizations, engagement in place, targeted surveys, grants and partnerships have helped Metro better understand and respond to the needs of communities of color. Internal bias awareness, COBID procurement and race based equity trainings are advancing how all Metro staff can contribute to achieving racial equity in our system of parks and nature.”*

**Staff:** Policies 1.3 and 1.4 provide direction to the County in its citizen engagement, participation, planning, decision-making, and evaluation processes, particularly during policy and code

	<p>development. With respect to the current application for a regional nature park, Metro’s own policies and commitment to meaningful outreach, engagement, and participation are complimentary to the County’s Equity and Empowerment Lens (Exhibit B.17). <i>The policy is not applicable to this application.</i></p>
11.09	<p><b>1.5 Implement the goals, objectives, policies, and guideline elements contained in the Management Plan for the Columbia River Gorge National Scenic Area and attendant maps (including any future amendments) for that portion of the County designated by Congress as the Columbia River Gorge National Scenic Area.</b></p> <p><i>Strategy 1.5-1: The County should periodically amend the Zoning Code to include zoning standards and review procedures which implement the goals, objectives, and policies of the Management Plan for the Columbia River Gorge National Scenic Area and its attendant maps.</i></p> <p><b>Applicant:</b> “Policy 1.5 is not applicable. It pertains to the Columbia River Gorge National Scenic Area.”</p>
11.10	<p><b>Chapter 2 – Land Use</b></p>
11.11	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal: To implement an efficient land use planning process and policy framework as a basis for all decisions and actions related to use of land that is consistent with state law and community goals and priorities, addresses or mitigates potential conflicts between different land uses, and is implemented in a fair, equitable and reasonable manner.</b></p> <p><b>Applicant:</b> “The subject plan amendment application is being processed in accordance with Multnomah County codes that have been acknowledged as consistent with state law. By applying the code standard and following the administrative procedures, the land use planning process will ensure potential conflicts between different land uses will be discussed, adverse impacts mitigated, and a fair and equitable process. This goal is met.”</p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. <i>The proposal conforms to the intent of this goal.</i></p>
11.12	<p><b>Growth Management and Regional Coordination</b></p> <p><b>Within the Portland region, Metro has responsibility for managing the regional Urban Growth Boundary (UGB) in coordination with Multnomah County and other cities and counties. The UGB is intended to include enough land to accommodate a 20-year supply and all urban development is required to occur within the boundary. In addition to managing the UGB, Metro works with local jurisdictions to establish Urban and Rural Reserves. The purpose of urban and rural reserves is to facilitate planning for urbanization of the Portland metro region over the 50 year plan period from 2010 to 2060. Urban reserves provide greater certainty about the future location of possible urban growth boundary expansion. Rural reserves provide long-term protection of farm and forest land as well as important natural landscape features that enhance the unique sense of place of the region.</b></p> <p><b>The reserves plan relies on designation of urban reserves land, which can only be designated by Metro, and on rural reserve land that can only be designated by the County. Because of</b></p>

	<p><b>this division of authority in the reserves plan, the County has amended its plan and zoning map to adopt rural reserves, and also shows urban reserve designations. Policies in this section reflect this process along with related regional and local goals and policies.</b></p> <p><b>2.1 Coordinate with Metro in its role to establish and maintain an Urban Growth Boundary in accord with the following:</b></p> <ol style="list-style-type: none"> <li><b>1. Metro’s authority under state law to establish and change the UGB.</b></li> <li><b>2. The procedures adopted by Metro for UGB amendments.</b></li> <li><b>3. The requirements of statewide Goal 14 on UGB amendments and any applicable statute pertaining to UGB amendments.</b></li> </ol> <p><b>Applicant:</b> <i>“This policy is not applicable. The application does not involve UGB coordination.”</i></p> <p><b>Staff:</b> Policy 2.1 is concerned with the establishment and maintenance of the Urban Growth Boundary and therefore is not applicable to the application for a nature park and recreational trails, which will not impact the UGB. <i>This policy is not applicable.</i></p>
11.13	<p><b>2.2 Transfer land use jurisdiction to Multnomah County cities for the unincorporated lands within the Urban Growth Boundary in accordance with approved urban planning area agreements between the County and the cities.</b></p> <p><b>Applicant:</b> <i>“This policy is not applicable. The subject property is outside the UGB and regulated by the County.”</i></p> <p><b>Staff:</b> Policy 2.2 is concerned with intergovernmental agreements pertaining to land use authority in unincorporated urban areas within the Urban Growth Boundary. Policy 2.2 is not applicable to the application for a nature park outside the Urban Growth Boundary. <i>This policy is not applicable.</i></p>
11.14	<p><b>2.3 Support higher densities and mixed land uses within the Urban Growth Boundary.</b></p> <p><b>Applicant:</b> <i>“This policy is not applicable. The subject property is outside the UGB.”</i></p> <p><b>Staff:</b> The policy is concerned with land uses within the Urban Growth Boundary and does not apply to the proposed nature park located outside the Urban Growth Boundary. <i>This policy is not applicable.</i></p>
11.15	<p><b>2.4 Establish and maintain rural reserves in coordination with urban reserves adopted by Metro and in accord with the following principles:</b></p> <p>...</p>

	<p><b>Applicant:</b> <i>“This policy is not applicable. The application does not involve rural reserve and urban reserve coordination”</i></p> <p><b>Staff:</b> Policy 2.4 is a directive to the County regarding the process and principles behind the establishment of Urban and Rural Reserves in Multnomah County and therefore is not applicable to the proposed nature park. In addition, the application for the proposed nature park does not involve establishment or maintenance of rural reserves. <i>This policy is not applicable.</i></p>
11.16	<p><b>Rural Residential Areas</b></p> <p><b>2.5 Designate limited areas for rural residential development based upon the following criteria:</b></p> <ol style="list-style-type: none"> <li><b>1. Significant parcelization when an average of five (5) acres or less has already occurred, the majority of which are separately owned and developed;</b></li> <li><b>2. The area is not a cohesive commercial farm or forest resource area;</b></li> <li><b>3. The designated area is compatible with any adjacent farm or forest uses and would not cause any substantial conflict with these natural resource uses;</b></li> <li><b>4. The land resource is predominantly forest or forest-agricultural in nature (discounting the residences), rather than agricultural in character;</b></li> <li><b>5. There are no physical development limitations which would cause the area to be hazardous for development; and</b></li> <li><b>6. Limited, but adequate, services must be available for the area, including those provided on-site (water and subsurface sewage disposal), as well as off-site (school, fire, police).</b></li> </ol> <p><b>2.6 Protect farmland and forest land from encroachment by residential and other non-farm or non-forest uses that locate in the RR zone.</b></p> <p><b>2.7 Ensure that new, replacement, or expanding uses in the RR zone minimize impacts to farm and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm and forestry practices.</b></p> <p><b>2.8 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.</b></p> <p><i>Strategy 2.8-1: Review the appropriateness of review uses, conditional uses and community service uses in the RR zone through a public process that involves community stakeholders prior to amending the Zoning Code</i></p> <p><b>Applicant:</b> <i>“Policy’s 2.5, 2.6, 2.7 and 2.8 are not applicable. They all pertain to Rural Residential Areas and involve designating areas for rural residential development and protecting resource uses from encroachment by residential uses. The subject application involves resource land zoned CFU and EFU.”</i></p>

**Staff:** Approximately 4 acres of the Ennis Creek forest unit are within the RR zone (Exhibit B.61). However, Policies 2.5 through 2.8 are not applicable to the proposed public park designation because the policies pertain to how the RR zone should be designated and how to protect farm and forestry from encroachment by residential uses. *Policies 2.5 through 2.8 are not applicable.*

11.17

**Grading and Fill**

**The following policy and strategy are intended to ensure that exemptions for the use of fill for agricultural topsoil are in fact used for that purpose and that volumes of fill do not exceed what would typically be needed or used as topsoil.**

**2.42 Establish standards for qualifying topsoil fill as a routine agricultural management practice exempt from County review requirements.**

*Strategy 2.42-1: The following shall be considered for inclusion in code amendments pertaining to topsoil fill as an agricultural management practice:*

1. *Existing conditions and soil types.*
2. *Review thresholds.*
3. *Review the Grading and Erosion Control submittal requirements and the Large Fills submittal requirements when considering application submittal requirements for agricultural topsoil reviews. Additionally, applications should include the proposed location, extent, volume, depth, material and soil type, timing of the project from start to finish and a farm management plan demonstrating how the topsoil will be employed in conjunction with farm use (farm use as defined in ORS 215).*
4. *The Planning Director may require concurrence from experts from agencies such as, but not limited to, the Oregon Department of Agriculture and the local Soil and Water Conservation Service.*
5. *Grading and fill material used for re-contouring or leveling agricultural sites should not be reviewed as a topsoil project and should continue to be reviewed under applicable Grading and Erosion Control standards or Hillside Development standards.*

**2.43 Establish limits for fill that does not qualify as an agricultural management practice and is subject to County review requirements.**

*Strategy 2.43-1: Amend the Zoning Code to clarify that in all zones except for the MUA-20 and RR zones, a total cumulative limit of 5,000 cubic yards of fill per each Lot of Record is allowed. Large Fills exceeding 5,000 cubic yards are only permitted in the MUA-20 and RR zones subject to approval of a Conditional Use permit.*

	<p><i>Strategy 2.43-2: Amend the Zoning Code to clarify that Large Fills must be in conjunction to an approved use.</i></p> <p><b>2.44 Establish clearly defined exemptions to the Grading and Erosion Control permit requirements.</b></p> <p><i>Strategy 2.44-1: Consider adding thresholds, standards and definitions to the residential gardening and landscape maintenance exemption.</i></p> <p><i>Strategy 2.44-2: Consider verification thresholds and a concurrence requirement for grading and fill projects that are conducted as part of a Forest Practices project.</i></p> <p><b>Staff:</b> The intent of Policies 2.42, 2.43, and 2.44 and the related strategies is to guide the County’s regulation of agricultural fill through code amendments, and those policies and strategies therefore are not directly applicable to Metro’s application. <i>These policies and strategies are not applicable.</i></p>
<p><b>11.18</b></p>	<p><i>Community Facilities</i></p> <p><b>Community facilities such as schools, parks, fire stations, and cemeteries are currently allowed in a number of areas within the County as “conditional uses” if they meet specific criteria. The following policies provide direction and support for County Zoning Code requirements which guide the decisions related to these uses.</b></p> <p><b>2.45 Support the siting and development of community facilities and services appropriate to the needs of rural areas while avoiding adverse impacts on farm and forest practices, wildlife, and natural and environmental resources including views of important natural landscape features.</b></p> <p><b>2.46 Encourage land use development which supports the efficient use of existing and planned community facilities.</b></p> <p><b>2.47 Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.</b></p> <p><b>Applicant:</b> <i>“Policies 2.45, 2.46, and 2.47 are not applicable. These policies pertain to local community facilities that are intended to serve the immediate/adjacent rural residents and rural communities, such as schools, parks, fire stations and cemeteries. Applicant is not proposing a local/neighborhood park intended to serve only the West Hills neighborhood. The subject property is resource land zoned CFU [Commercial Forest Use] in which forestry and recreational uses are permitted and recognized as appropriate throughout the County and State of Oregon. The property will serve the West Hills neighborhood as well as other County residents.”</i></p> <p><b>Staff:</b> Policies 2.45, 2.46, and 2.47 are intended to provide direction and support for County decisions related to conditional uses and are applicable to the proposed Comprehensive Plan</p>

	<p>amendment because any development at the four forest units that comprise the proposed nature park may have to be approved as a conditional use. Development, such as what is currently proposed in the Burling Creek forest unit is subject to Conditional Use criteria of the Zoning code, which are addressed in Section 10.00. <i>The proposal conforms to the intent of this policy.</i></p>
11.19	<p><b>Other Policies</b></p> <p><b>The following policies address other land use planning issues that do not fit into the previous policy topics.</b></p> <p><b>2.48 The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued, altered, restored or replaced in accordance with Oregon Revised Statutes 215.130 and 215.135.</b></p> <p><b>2.49 An alteration (including additions) or replacement of a nonconforming use or structure shall not create a greater adverse impact on the neighborhood, including but not limited to, noise, dust, lighting, traffic, odor, water use, sewage disposal impacts, and safety.</b></p> <p><b>Staff:</b> Policies 2.48 and 2.49 are not applicable because the proposal does not involve nonconforming uses or structures. <i>These policies are not applicable.</i></p>
11.20	<p><b>2.50 As part of land use permit approval, impose conditions of approval that mitigate off-site effects of the approved use when necessary to:</b></p> <ol style="list-style-type: none"> <li><b>1. Protect the public from the potentially deleterious effects of the proposed use; or</b></li> <li><b>2. Fulfill the need for public service demands created by the proposed use.</b></li> </ol> <p><b>Staff:</b> The intent of this policy is to confirm the County’s authority to impose conditions of approval as part of land use permit approvals. Although this policy is not directly applicable to the proposed Comprehensive Plan amendment, proposed conditions of approval are included at beginning of this staff report. <i>This policy is not applicable.</i></p>
11.21	<p><b>2.51 Consider applicable goals of the Climate Action Plan when developing Zoning Code amendments.</b></p> <p><b>Applicant:</b> <i>“This policy is a directive to the County in adopting land use standards. It is not applicable.”</i></p> <p><b>Staff:</b> Staff concurs. Note there are comments suggesting that Metro has not complied with the policy (Exhibit D.5.a, Pg. 171-172; D.5.d, Pg. 170-172). This policy is applicable when developing Zoning Code amendments and therefore is not applicable to the proposal. <i>This policy is not applicable.</i></p>
11.22	<p><b>Chapter 3 – Farm Land</b></p>

11.23	<p><b>Goal: To conserve agricultural land in exclusive farm use and mixed use agricultural zones and maximize its retention for productive, sustainable farm use.</b></p> <p><b>Policy 3.1 Prohibit creation of new lots or parcels, except as authorized by code, which detracts from agricultural practices and from protection of open space and rural community values.</b></p> <p><b>Applicant:</b> <i>“The Applicant is not proposing to create a new lot on EFU land. This policy is not applicable.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. No new lots or parcels are requested as part of the application. <i>The policy is not applicable.</i></p>
11.24	<p><b>Policy 3.2 Redesignating land from Agricultural land use to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan.</b></p> <p><b>Applicant:</b> <i>“The Applicant is not proposing to re-designate land from agricultural use to another use classification. This policy is not applicable.”</i></p> <p><b>Staff:</b> The applicant is not proposing to change the base zone designations. Rather, the ‘local park’ designation would be added to the Metro owned properties subject to this application. <i>The policy is not applicable.</i></p>
11.25	<p><b>Policy 3.3 Require lot and parcel aggregation standards to reduce parcelization, maintain larger lot and parcel sizes in farm and forest zones, and help minimize impacts of non-farm and forest uses on surrounding farm and forest production. In order to minimize confusion over the development potential of a property, a condition of approval for land use and development permits shall require deed restrictions be recorded that identify the properties that constitute a lot of record along with the development restrictions that go with the lot of record.</b></p> <p><b>Applicant:</b> <i>“This policy is a directive to the County in adopting land use standards. It is not applicable.”</i></p> <p><b>Staff:</b> Trail and trail related infrastructure development is proposed on CFU zoned properties within the Burlington Creek Forest. The applicant has proposed the aggregation of individual subdivision lots into larger acreage blocks within the Burlington Subdivision plat (Exhibit A.9 and A.11). Condition H.1 requires the above mentioned deed restrictions.</p> <p>No EFU properties are included in the proposed development of the Burlington Creek forest unit and the inclusion of EFU land within the ‘local park’ designation does not require a lot of record analysis that might otherwise prompt the requirement for the above referenced deed restrictions. <i>As conditioned, the proposal conforms to the intent of this policy.</i></p>

<p>11.26</p>	<p><b>Policy 3.4</b> Ensure that transportation policies and policies related to the regulation of activities and events in agricultural zones minimize the difficulties conflicting uses impose on farming practices.</p> <p><b>Policy 3.5</b> Develop and adopt a unified permitting process for review of mass gatherings and other gatherings. Establish more restrictive permitting thresholds for the number of visitors and the frequency or duration of events than the maximums authorized by state law.</p> <p><b>Applicant:</b> “<i>Applicant is not requesting a mass gathering permit. This policy is not applicable.</i>”</p> <p><b>Staff:</b> Comments suggest that the applicant does not meet Policy 3.1 (Exhibit D.5.a, Pg. 173; D.5.d Pg. 172-173). The applicant is not required to do so. The Policy directs the County to develop permitting standards for gatherings in the EFU zone. <i>The policy is not applicable.</i></p>
<p>11.27</p>	<p><b>Policy 3.6</b> Designate and maintain as exclusive agricultural land, areas which are:</p> <ol style="list-style-type: none"> <li><b>1. Predominantly agricultural soil capability I, II, III, and IV, as defined by the U.S. Soil Conservation Service, and</b></li> <li><b>2. Of parcel sizes suitable for commercial agriculture, and</b></li> <li><b>3. In predominantly commercial agriculture use, and</b></li> <li><b>4. Not impacted by urban service, or</b></li> <li><b>5. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands</b></li> </ol> <p><b>Applicant:</b> “<i>Only a small portion of the subject property, located in the southwestern portion of North Abbey Creek Forest, is zoned EFU and in farm use. The remaining portion of the site is zoned CFU.</i></p> <p><i>The subject Master Plan does not propose any non-farm uses for the EFU land. Metro is not proposing any use of the farmland that conflicts with any policy identified in the ‘general policies for agricultural zones’ or policies specific to the ‘EFU Zones.’ No uses are proposed for North Abbey Creek that will conflict with or interfere with farm uses occurring south and west of the site. This goal and policies are satisfied or otherwise not applicable.</i>”</p> <p><b>Staff:</b> The intent of this policy is to preserve areas that have been zoned Exclusive Farm Use (“EFU”) exclusively for agricultural use. As Metro notes, only a small portion of the subject property (in the Abbey Creek Forest unit) is zoned EFU, and there are no zone changes proposed</p>

	<p>on the EFU lands included in the subject application. The EFU designation will remain intact with a ‘local park’ Comprehensive Plan designation. <i>The policy is not applicable.</i></p>
<p><b>11.28</b></p>	<p><b>3.7 Restrict the use of exclusive farm use lands to agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development.</b></p> <p><b>Staff:</b> Policy 3.7 requires restricting the use of exclusive farm use lands to agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development. ORS 195.120 provides the authority in state law for public parks in the EFU zone. The proposed park designation does not conflict with and is compatible with the preservation of agricultural land in the Abbey Creek forest unit insofar as the designation itself is not development. Further, Metro’s Master Plan specifically calls for the protection of the Abbey Creek unit with no public access planned for the unit. <i>The proposal conforms to the intent of this policy.</i></p> <p><b>2.8 Maximize retention of the agricultural land base by maintaining Exclusive Farm Use designated areas as farm lands with agriculture as the primary allowed use.</b></p> <p><b>2.9 Do not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program.</b></p> <p><b>2.10 Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Statutes and Administrative Rules, with additional development standards and lot aggregation requirements to ensure protection of agricultural lands and natural and environmental resources. Limit new non-agricultural uses, and expansion of existing non-agricultural uses. This will result in a farm protection program for the County that is more restrictive than what state statutes and rules require.</b></p> <p><b>2.11 Require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the EFU zoning code.</b></p> <p><b>2.12 Ensure that proposed new dwellings in the Exclusive Farm Use designated areas receive appropriate public review by providing notice and review opportunity prior to any land use decision.</b></p> <p><b>Staff:</b> Policies 3.8 through 3.12 are directives to the County regarding the treatment of uses in the EFU zoning code and the protection of existing productive agricultural land from zone changes. <i>Policies 3.8 through 3.12 are not applicable.</i></p>
<p><b>11.29</b></p>	<p><b>Multiple Use Agricultural Land</b></p> <p><b>3.13 Designate and maintain as multiple use agriculture land, those areas which are:</b></p> <p><b>1. Generally agricultural in nature, with soils, slope, and other physical factors indicative of past or present farm use, and</b></p>

**2. Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use, and**

**3. Provided with a higher level of services than a commercial agricultural area has, or**

**4. Located in micro-climates, which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.)**

**3.14 Restrict uses of agricultural land to those that are compatible with exclusive farm use areas in recognition of the necessity to protect adjacent exclusive farm use areas. Multnomah County Comprehensive Plan Farm Land.**

**3.15 Protect farm land from adverse impacts of residential and other non-farm uses.**

*Strategy 3.15-1: Ensure that new, replacement, or expanding uses on MUA zoned lands minimize impacts to farm land and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm managers and foresters to farm and practice forestry on their land.*

*Strategy 3.15-2: Amend the Multiple Use Agriculture zone to include deed restrictions protecting surrounding agricultural and forestry practices as a requirement for approval of new and replacement dwellings and additions to existing dwellings.*

**3.16 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.**

*Strategy 3.16-1: Review the appropriateness of review uses, conditional uses and community service uses in the MUA-20 zone through a public process that involves community stakeholders prior to amending the Zoning Code.*

**Staff:** Approximately 5 acres are located within the Multiple Use Agriculture - 20 (MUA-20) zone in the Burlington Creek forest unit (Exhibit B.61). Policy 3.13 relates to the designation of the MUA-20 zone to lands that meet the listed qualifications. Policies 3.14 through 3.16 are directives to the County regarding the treatment of uses in the MUA-20 zoning code and the protection of existing productive agricultural land from zone changes. *Policies 3.13 through 3.16 are not applicable.*

**11.30 Farm Stands, Wineries, and Agri-tourism**

**3.17 Limit the area, location, design, and function of farm stand promotional activities and gatherings to the extent allowed by law to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, minimize impacts on nearby**

**farming operations, residents, roads, traffic circulation, wildlife and other natural resources, and maintain the rural character.**

**3.18 Fee-based promotional activities at farm stands shall be limited to those that promote the contemporaneous sale of farm crops or livestock at the farm stand and whose primary purpose is significantly and directly related to the farming operation.**

**1. Permitted farm stand promotional activities include harvest festivals, farm-to-plate dinners, corn mazes, hayrides, farm animal exhibits, cow trains, small farm-themed gatherings such as birthday parties and picnics, school tours, musical acts, farm product food contests and food preparation demonstrations, and similar activities consistent with this policy.**

**2. Unless authorized at farm stands by statute, administrative rule or an appellate land use decision, fee-based events, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, and amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the farm operation, are prohibited.**

*Strategy 3.18-1: Develop and adopt a tiered review process for farm stand operations on EFU land distinguishing between operations that include promotional activities and those that do not.*

*Strategy 3.18-2: The County shall develop reporting requirements in sufficient detail to assess compliance with the 25% total limit on annual farm stand income from fee-based promotional events and from the sale of retail incidental items, including food or beverage items prepared or sold for on-site consumption. The County may audit farm stands to ensure compliance with this requirement. Implementation of this strategy should balance a reasonable expectation of financial privacy and burden with the need to request information necessary to reasonably demonstrate compliance with the 25% total limit standard.*

**3.19 Farm stands that occupy one acre or less (including parking) and do not include promotional activities or events shall be reviewed through the County's Type I process, based on objective standards.**

**3.20 Farm stands that occupy more than one acre or include promotional events or activities shall be reviewed under the County's Type II application process. Proposed farm stands that would occupy more than one acre or include promotional events or activities shall be sited in order to limit the overall amount of acreage proposed for the farm stand structures and events. Until implementing code is adopted, the following standards shall apply:**

**1. The amount of land identified for the farm stand structures and associated permanent parking shall not exceed two acres.**

**2. The amount of land identified for farm stand promotional activities shall be the minimum necessary to accomplish the objective of supporting farming operations on the property. Absent compelling need for additional area, the area identified for promotional events, including corn mazes and event parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less.**

**3. Require applicants for development of farm stands on land zoned Exclusive Farm Use (EFU) to demonstrate need for the amount of acreage they propose to remove from the agricultural land base for non-farm uses, including promotional events.**

**4. An applicant may seek approval to accommodate temporary parking on additional acreage during September and October of a calendar year on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.**

**5. An applicant owning or leasing multiple properties in farm use in Multnomah County shall be limited to only one Type II farm stand in Multnomah County.**

**6. Multnomah County may require consideration of alternative site plans for the property that use less agricultural land or interfere less with agricultural operations on adjacent lands.**

**7. Farm stand signage shall comply with County sign ordinance standards to maintain and complement the rural character of the surrounding community.**

**8. Require that noise levels associated with events and gatherings comply with state and local noise ordinances to maintain rural character.**

**3.21 Fee-based promotional activities at wineries shall be limited to those that promote the contemporaneous sale of wine at the winery and whose primary purpose is significantly and directly related to the winery operation.**

**1. Unless authorized at wineries by statute, administrative rule or an appellate land use decision, fee based weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the winery operation, are prohibited.**

**2. Create standards that limit the area and extent of wineries and associated agri-tourism activities to the extent allowed by law in order to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other**

	<p>natural resources, and to maintain the rural character of Multnomah County’s agricultural areas.</p> <p><b>3. To the extent allowed by law, develop additional standards for wineries that address potential offsite impacts such as hours of operation, the number and duration of events, noise, lighting, signs, parking, and circulation, and the size, design, and placement of structures associated with the winery.</b></p> <p><b>4. Until implementing code is adopted, the following shall apply:</b></p> <p><b>a. Proposed wineries that would occupy more than one acre or include agri-tourism events or activities shall be sited in order to limit the overall amount of acreage proposed for the winery structures and events.</b></p> <p><b>b. The amount of land identified for agri-tourism activities at wineries shall be the minimum necessary to retain productive farm land on the property.</b></p> <p><b>c. An applicant may seek approval to accommodate temporary parking on additional acreage during peak season on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.</b></p> <p><b>d. An applicant owning or leasing multiple properties in farm use in Multnomah County shall be limited to only one winery in Multnomah County.</b></p> <p><b>e. Multnomah County may require consideration of alternative site plans for the property that use less agricultural land or interfere less with agricultural operations on adjacent lands.</b></p> <p><b>f. Signage shall comply with county sign ordinance standards to maintain and complement the rural character of Multnomah County’s agricultural areas.</b></p> <p><b>Staff:</b> Policies 3.17 through 3.21 specify how farm stands, wineries and agri-tourism should occur in Multnomah County. Policies 3.17 through 3.21 do not apply because no part of the applicant’s proposal includes farm stands, wineries, or agri-tourism. <i>Policies 3.17 through 3.21 are not applicable.</i></p>
<p><b>11.31</b></p>	<p><b>West Hills Policies and Strategies</b></p> <p><b>3.22 Do not adopt the agri-tourism provisions of ORS chapter 215 for the West Hills rural area.</b></p>

	<p><b>3.23 Support the direct sale of farm crops and livestock raised on West Hills farms through u-pick facilities and farm stands in a manner that retains a maximum supply of agricultural land in productive farm use and minimizes impacts on nearby farming operations, residents, roads, traffic circulation, wildlife, and other natural resources.</b></p> <p><b>Sauvie Island and Multnomah Channel Policies and Strategies</b></p> <p><b>3.24 Do not adopt the agri-tourism provisions of ORS chapter 215 due to the island’s limited road infrastructure and already high levels of visitation.</b></p> <p><b>3.25 Support the direct sale of farm crops and livestock raised on Sauvie Island farms through u-pick facilities and farm stands in a manner that retains a maximum supply of agricultural land in productive farm use and minimizes impacts on nearby farming operations, residents, roads, traffic circulation, wildlife, and other natural resources.</b></p> <p><b>Staff:</b> Policy 3.22 directs the County to not adopt State agri-tourism provisions in the West Hills; the application does not include agri-tourism activities, so Policy 3.22 is not applicable.</p> <p>Policy 3.23 involves the manner in which the direct sale of farm crops and livestock raised on West Hills farms should occur; while the sale of farm crops is permitted on EFU zoned lands the proposal to designate EFU lands as a nature park does not include farming or farm sales and therefore, Policy 3.23 is not applicable.</p> <p>Policies 3.24 and 3.25 are not applicable because they are specific to the Sauvie Island – Multnomah Channel Planning Area. <i>Policies 3.22 through 3.25 are not applicable.</i></p>
11.32	<p><b>Chapter 4 – Forest Land</b></p>
11.33	<p><b>Goal: To conserve forest lands in forest zones for timber production, while practicing sound management of natural resources and hazards, providing for recreational activities where appropriate, and minimizing conflicts between forest production and non-forest production uses and activities.</b></p> <p><b>Applicant:</b> <i>“Except for the small portion of EFU land in North Abbey Creek Forest, the subject Master Plan property is zoned CFU 1 and CFU 2.</i></p> <p><i>The County’s Comprehensive Plan provides:</i></p> <p><i>‘Forest lands for timber production, natural habitat, recreation and open space are an important part of the character and economic base of Multnomah County. . . . These areas also provide opportunities for recreational use, as well as many environmental benefits, such as wildlife habitat, riparian areas, clean air, stormwater filtration, and carbon sequestration.’</i></p> <p><i>As provided for above and in further detail in the Master Plan, Metro’s North Tualatin Mountains Natural Area represents every condition and opportunity that the County’s Comprehensive Plan promotes. The land is currently managed and master planned to conserve and rehabilitate the forest resources, avoid sensitive natural resources and hazards, and provide for limited recreational activities in appropriate and scientifically supported locations. Access and trail</i></p>

	<p><i>development are entirely contained on Metro property and will not conflict with forest production on adjacent forestry lands. This goal is being promoted.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding (Exhibit A.4.9). Metro’s Master Plan aligns with the Forest Land Goal. <i>The proposal conforms to the intent of this goal.</i></p>
<p><b>11.34</b></p>	<p><b>Policy 4.1 Designate and maintain as commercial forest land, areas which are:</b></p> <ol style="list-style-type: none"> <li><b>1. Predominantly in Forest Cubic Foot Site Class I, II, and III for Douglas Fir as classified by the U.S. Soil Conservation Service;</b></li> <li><b>2. Suitable for commercial forest use and small woodlot management;</b></li> <li><b>3. Potential reforestation areas, but not, at the present, used for commercial forestry;</b></li> <li><b>4. Not impacted by urban services; and</b></li> <li><b>5. Cohesive forest areas with large parcels; or</b></li> <li><b>6. Other areas which are:</b> <ol style="list-style-type: none"> <li><b>a. Necessary for watershed protection or are subject to landslides, erosion or slumping;</b></li> <li><b>b. Wildlife and fishery habitat areas, potential recreation areas, or of scenic significance.</b></li> </ol> </li> </ol> <p><b>Applicant:</b> <i>“Consistent with Policy 4.1, the land is appropriately designated and maintained as forest land. As demonstrated in the Master Plan, the land is managed for forestry practices, as regulated by the State Forest Practices Act. Additionally, the land is being reforested, includes cohesive areas with large parcels, is necessary and planned for watershed protection, and includes improving wildlife and fishery habitat, includes scenic views, and portions of it represent the potential for recreation areas. This policy is met.”</i></p> <p><b>Staff:</b> The intent of this policy is to maintain areas zoned Commercial Forest Use as commercial forest land. The majority of the lands subject to this application are designated Commercial Forest Use (Exhibit B.61). No new zoning designations are proposed. <i>The proposal conforms to the intent of this policy.</i></p>
<p><b>11.35</b></p>	<p><b>Policy 4.2 Maximize retention of forest land by maintaining Commercial Forest Use designated areas with forestry as the primary allowed use.</b></p> <p><b>Applicant:</b> <i>“The subject plan amendment request and Master Plan maximized retention of forest land by planning for and actively engaging in forestry practices. The CFU designation is maintained.</i></p> <p><i>This policy is met.”</i></p> <p><b>Staff:</b> The majority of the lands subject to this application are designated Commercial Forest Use. No new zoning designations are proposed, meaning the forest land will be retained. <i>The proposal conforms to the intent of this policy.</i></p>

<p><b>11.36</b></p>	<p><b>Policy 4.3 Require that applications for new development comply with Lot of Record standards described in the CFU zoning code.</b></p> <p><b>Applicant:</b> <i>“The subject plan amendment application is not an application for new development. However, Metro’s companion application, which seeks land use approval for new visitor access improvements at Burlington Creek Forest, is an application for new development and in which applicant has demonstrated compliance with Lot of Record standards. This policy is not applicable or otherwise met.”</i></p> <p><b>Staff:</b> The proposed Comprehensive Plan amendment is not an application for new development. This policy is implemented through Lot of Record standards in the CFU zoning code, and any new development proposed in CFU-zoned areas of the proposed nature park will be required to comply with applicable CFU zoning standards. <i>This policy is not applicable.</i></p>
<p><b>11.37</b></p>	<p><b>Policy 4.4 Allow forest management with related and compatible uses and restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development.</b></p> <p><b>Applicant:</b> <i>“As detailed above and further described in the Master Plan, Metro’s Master Plan represents a plan that promotes forest management with limited permitted and compatible recreational uses in select and appropriate locations on the property.”</i></p> <p><b>Staff:</b> The majority of lands subject to this application are within the CFU zone district (Exhibit B.61). Forest management is a permitted use in the CFU zone (MCC 33.2220(A)). The zoning code provides for compatible uses as either allowed, or allowed subject to review standards (MCC 33.2220 and 33.2225 respectively). Additionally, Conditional uses such as the public park designation that Metro seeks are potentially compatible subject to the Conditional Use Criteria (MCC 33.2230(A)(9). Comments in the record (Exhibit D.5.a, Pg. 174-175; D.5.d, Pg. 174) indicate that trails will not provide watershed protection or improve fish and wildlife habitat. Policy 4.4 only relates to relative compatibility, and does not require watershed protection or wildlife enhancement. On balance, Metro’s park master plan achieves both forest preservation and public recreation access to trails. <i>The proposal conforms to the intent of this policy.</i></p>
<p><b>11.38</b></p>	<p><b>Policy 4.5 Redesignating land from Commercial Forest Land Use to another land use classification should be in accord with the standards set forth by the LCDC Goals, OAR’s, and in this Plan.</b></p> <p><b>Applicant:</b> <i>“Applicant is not proposing to redesignate land from forestry use to another use classification. This policy is not applicable.”</i></p> <p><b>Staff:</b> The majority of the lands subject to this application are designated Commercial Forest Use. No new zoning designations are proposed. <i>This policy is not applicable.</i></p>
<p><b>11.39</b></p>	<p><b>Policy 4.6 If current statewide planning regulations of Commercial Forest Use lands are changed, Multnomah County should not allow new subdivision lots of less than 80 acres in</b></p>

	<p>the CFU district in order to preserve forest practices and natural resources such as wildlife habitat, streams, and scenic views, to the extent allowed by law.</p> <p><b>Applicant:</b> <i>“Applicant is not proposing a land division. This policy is not applicable.”</i></p> <p><b>Staff:</b> No land divisions are proposed. <i>The policy is not applicable.</i></p>
11.40	<p><b>Policy 4.7 Do not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program.</b></p> <p><b>Applicant:</b> <i>“Applicant is not requesting a zone change. This policy is not applicable.”</i></p> <p><b>Staff:</b> No zone changes are proposed. <i>The policy is not applicable.</i></p>
11.41	<p><b>Forest Dwellings (including Siting Policies)</b></p> <p><b>Policy 4.8 Allow non-forest uses, such as residences, on Commercial Forest Use lands as permitted by Oregon Administrative Rules, subject to lot aggregation requirements and other development standards that exceed minimum state requirements to better ensure public safety, public health and welfare, and protection of natural and environmental resources. Limit new non-forest uses and expansion of existing non-forest uses. This will result in a forest protection program for the County that is more restrictive than what state statutes and rules require.</b></p> <p><b>Policy 4.9 Recognize differences among Commercial Forest Use zoning around the County by not allowing dwellings on Commercial Forest Use lands on large commercial forest tracts adjacent to the National Forest Boundary or on lands in the Mt. Hood National Forest, but allowing dwellings on all other Commercial Forest Use lands according to any or all of the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. Dwellings on 160 acre tracts or 200 acre non-contiguous tracts;</b></li> <li><b>2. Dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber;</b></li> <li><b>3. Dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling;</b></li> <li><b>4. Dwellings authorized under ORS 195.300 through 195.336 (Measure 49 claims).</b></li> </ol>

	<p><b>Policy 4.10 Be more restrictive than state requirements for approval of new template dwellings.</b></p> <p><b>Policy 4.11 Allow no dwellings, or other uses which are incompatible with commercial forestry, on lands of the Mt. Hood National Forest and adjacent large commercial timber parcels.</b></p> <p><b>Policy 4.12 All approved dwellings in Commercial Forest Use zones must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources.</b></p> <p><b>Policy 4.13 Except where disaggregation is currently allowed in the East of Sandy River rural area, prohibit creation of new lots or parcels, except as authorized by code, which detracts from forestry practices and from protection of open space and rural community character.</b></p> <p><b>Policy 4.14 Allow new dwellings on lands designated for Commercial Forest Use only when it can be demonstrated that they will have no significant impact upon forestry practices, open space, public facilities, wildlife habitat, and rural community character.</b></p> <p><b>Policy 4.15 Adopt provisions within the CFU zones that require clustering of dwellings near existing public roads, and clustering of dwellings, structures, and adjacent development to minimize conflicts with wildlife, natural and environmental resources, forest and agricultural practices, public safety, and infrastructure. Allow for exceptions based on topographical and other unique constraints of the property.</b></p> <p><b>Policy 4.16 Require clustering of dwellings and accessory structures in CFU zones to establish a clear relationship between the residential use and accessory use and to minimize the amount of tree removal and clearing between buildings.</b></p> <p><b>Staff:</b> Policies 4.8 through 4.16 are specific to dwellings on forest lands. The policies are not applicable because the proposal does not include the development of dwellings. <i>Policies 4.8 through 4.16 are not applicable.</i></p>
11.42	<b>Chapter 5 – Natural Resources</b>
11.43	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal: To protect and restore rivers, streams, wetlands, wildlife habitat and other natural resources; maintain and enhance air, water, and land quality; conserve scenic areas and open spaces; and maintain natural resources’ contribution to the rural character of the County.</b></p> <p><b>Applicant:</b> <i>“As the Comprehensive Plan recognizes, balancing recreational uses with resource management and the protection of natural resources is a main objective in any planning effort, including that represented in Metro’s Master Plan. That balancing effort, although one which</i></p>

	<p><i>favours resource protection, water quality, and habitat improvements over recreation, is represented in Metro’s Master Plan.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. Statewide Planning Goal 5 requires protection of natural resources, scenic and historic areas, and open spaces. The intent of this goal and Chapter 5 of the Comprehensive Plan more generally is to addresses protection of Goal 5 and Goal 6 resources. The Master Plan (Exhibit A.4.9) provides for uses that are described in the Statewide Planning Goals: both recreation in a forest zone (Statewide Planning Goal 4) and protection of natural resources (Statewide Planning Goal 5). <i>The proposal conforms to the intent of this goal.</i></p>
11.44	<p><b>Policy 5.1 Identify and protect natural resources in order to promote a healthy environment and natural landscape that contribute to Multnomah County’s livability.</b></p> <p><b>Applicant:</b> <i>“Metro Parks and Nature protects water quality, fish and wildlife habitat and creates opportunities to enjoy nature close to home through a connected system of parks, trails and natural areas. Connecting with nature provides physical, mental, spiritual and economic benefits for the County’s residents.</i></p> <p><i>Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region’s water quality; and provide trail connections between the region’s largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.</i></p> <p><i>The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.</i></p> <p><i>Metro employs a science-based approached to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities.</i></p> <p><i>Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case.”</i></p> <p><b>Staff:</b> The policy directs Multnomah County to identify and protect natural resources in the County. This is primarily achieved through the County’s Significant Environmental Concern (SEC) overlay zones and corresponding regulations. Identified resources within the subject properties include, wildlife habitat, streams, and views (Exhibits B.62 and B.63). Any development proposed on the subject properties in an SEC overlay zone is subject to the applicable SEC regulations, which will serve to protect the identified natural resources. Comments in the record (Exhibit D.5.a, Pg. 177-178; Exhibit D.5.d, Pg. 176-178; D.55, Pg. 112-122; D.68, Pg. 112-122) suggest that Metro must demonstrate compliance with the policy. However the policy is directive towards the County to identify and protect natural resources, which is achieved through the Significant Environmental Concern code standards. <i>The policy is not applicable.</i></p>

11.45

**Policy 5.2** Protect natural areas from incompatible development and specifically limit those uses which would significantly damage the natural area values of the site.

**Strategy 5.2-1:** Utilize the Oregon Natural Heritage Resources Register to maintain a current inventory of ecologically and scientifically significant natural areas.

**Applicant:** “The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.

Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities.

Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case.

The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. See Exhibit 2 [Exhibit A.4.9]. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. Metro received hundreds of comments, ranging from wanting to keep all four sites completely closed to public access, to wanting extensive trails and other improvements across all four sites.

The plan establishes project goals and objectives, outlines site resources and conditions, and summarizes the planning process. Employing principles of landscape ecology and landscape-level design strategies, the plan identifies access locations and approximate trail locations. It also presents a general plan for development of trailheads and strategies for implementing future development.

The plan’s goals include: Keeping important wildlife and riparian corridors intact, protecting upland habitat and headwaters areas important to preserving the region’s water quality, providing recreational access and diverse recreational opportunities where appropriate, and contemplating a trail connection between the region’s largest urban park and public lands in the Oregon Coast Range.

The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for habitat connections. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. This policy is satisfied.

**Staff:** This policy directs the County to protect identified resources from incompatible development. When resources are identified, the County conducts an ESEE (Environmental, Social,

	<p>Economic, and Energy) analysis to determine whether conflicting uses are present or potentially allowed by zoning. The analysis is followed by recommendations of how to treat identified conflicting uses. The ESEE analysis and recommendations forms the basis of the County’s Significant Environmental Concern standards. The SEC standards are applied to new development, which for the purposes of this application, are relevant to the trail infrastructure proposal in the Burlington Creek forest unit. Those standards are addressed in Section 5.00. Further, none of the listed sites in the Oregon Natural Heritage Resources Register are located on the lands subject to this application (Exhibit B.72). Comments in the record (Exhibit D.5.a, Pg. 171-172; Exhibit D.5.d, Pg. 178-192; D.33, Pg. 32-36; D.55, Pg. 112-123; D.68, Pg. 112-122) indicate that Metro must demonstrate compliance with the policy. However the policy is directive towards the County to identify and protect natural resources, which is achieved through the ESEE process and further implemented through Significant Environmental Concern code standards. <i>The proposal conforms to the intent of this policy.</i></p>
<p><b>11.46</b></p>	<p><b>Policy 5.3 Encourage voluntary conservation efforts such as conservation easements and community-based restoration projects that complement Multnomah County’s Goal 5 (Natural and Cultural Resources) and Goal 15 (Willamette River Greenway) regulatory programs and if possible, extend the Riparian and Wildlife Habitat tax deferral to all lands that are eligible by administrative rule or statute within the County.</b></p> <p><i>Strategy 5.3-1: Multnomah County will work with partner agencies to provide landowners with information about various agency programs. Programs may include property tax deferral and exemption programs available for stream enhancement and agricultural plans to protect streams and their watersheds.</i></p> <p><i>Strategy 5.3-2: Make information about other agency programs and educational materials available to the public at the planning counter and on the Internet.</i></p> <p><b>Applicant:</b> <i>“Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon, among other groups to support the restoration and recreational uses envisioned in the Master Plan.</i></p> <p><i>The North Tualatin Mountains have already benefitted from a community planting event conducted by Self Enhancement Inc. and the Northwest Trail Alliance. This policy is supported.”</i></p> <p><b>Staff:</b> The policy encourages voluntary conservation efforts between the County and partner agencies and is not applicable to the proposal. <i>The policy is not applicable.</i></p>
<p><b>11.47</b></p>	<p><b>Policy 5.4 Review Goal 5 inventories and programs periodically in order to consider any new data and, if necessary, initiate amendments to the inventories and protection programs.</b></p> <p><i>Strategy 5.4-1: Conduct periodic reviews of stream regulatory and educational programs to gauge and improve their effectiveness.</i></p> <p><b>Applicant:</b> <i>“This is a directive to the County to review Goal 5 inventories and amend as necessary. The policy is not applicable.”</i></p> <p><b>Staff:</b> The policy directs the County to periodically update Goal 5 inventories and therefore does not directly apply to Metro’s proposal. <i>This policy is not applicable.</i></p>

<p><b>11.48</b></p>	<p><b>Water Quality and Erosion Control</b></p> <p><b>Policy 5.5 Protect the County’s water quality by adopting standards to protect the water quality resources from the impacts of development.</b></p> <p><b>Applicant:</b> <i>“In implementing the North Tualatin Mountains Master Plan, Metro intends on protecting significant sections of four streams and associated riparian forest habitat. The sites also protect headwater areas of McCarthy, Ennis, and North Abbey creeks.</i></p> <p><i>Burlington Creek, Ennis Creek and several unnamed streams flow eastward through steep valleys to the base of the ridge. At Ennis Creek, the Multnomah Channel flows along the base of the ridge. The roughly 400-acre J.R. Palensky Wildlife Mitigation Area (Burlington Bottoms), owned by the Bonneville Power Administration (BPA) and managed by Oregon Department of Fish and Wildlife (ODFW), lies at the base of Burlington Creek Forest.</i></p> <p><i>Ennis Creek and its many unnamed tributaries occupy the southern half of the Ennis Creek Forest site. The southern half of Ennis Creek Forest is less steep, and field observations indicate that the area appears to have wetter soils and, potentially, a higher likelihood of forested wetlands.</i></p> <p><i>McCarthy Creek drains a 400-acre area bounded by Skyline on the south and McNamee on the east. With over five miles of main stem and tributaries, the natural area protects about a third of the watershed of McCarthy Creek. Existing roads, developed for logging, are in various conditions including a north – south running road that crosses many small drainages and has experience road slumps and culvert failures. Current plans call for culvert repairs and decommissioning roads north of the loop road.</i></p> <p><i>North Abbey Creek Forest is the only one of the four sites located in the Tualatin River Watershed. The northern part of the site protects headwaters of North Abbey Creek, which flows through a steep ravine along the length of the eastern site boundary.</i></p> <p><i>Large conifers and down wood had been removed from many of the North Tualatin riparian areas by previous owners, resulting in incised (eroded) stream channels and slumping stream banks. Old logging roads are a significant source of sediment in North Tualatin Mountain’s streams. Sediment harms water quality and degrades amphibian and fish habitat. Water quality is also threatened by the many culverts found on-site; old and under-sized, they block wildlife movement and increase the risk of culvert failure and stream sedimentation. Specific Metro activities to protect and improve water quality are discussed in Chapter 3 of the Master Plan.”</i></p> <p><b>Staff:</b> This policy directs the County to adopt standards to protect County water quality resources from the impacts of development and is not directly applicable to Metro’s proposal to amend the Comprehensive Plan. Water quality standards are primarily addressed through the County’s Significant Environmental Concern (SEC) and Hillside Development standards. The Comprehensive Plan amendment does not, by itself, grant authorization to develop the subject property. Development proposed in the Burlington Creek Forest property is subject to the SEC and Hillside Development standards as applicable where those overlays are present, and application of those standards serve to protect water quality on the subject property. Comments in the record (Exhibit D.5.a, Pg. 194-195; Exhibit D.5.d, Pg. 193-195; D.55, Pg. 123-124; D.68, Pg. 123-124) suggest that Metro must demonstrate compliance with the policy. However the policy is directive towards the County to adopt water quality standards. <i>This policy is not applicable.</i></p>
<p><b>11.49</b></p>	<p><b>Policy 5.6 Protect vegetated riparian corridors in order to maintain their water quality functions including the following:</b></p>

1. **Providing shade to maintain or reduce stream temperatures to meet state water quality standards;**
2. **Supporting wildlife in the stream corridors;**
3. **Minimizing erosion, nutrient, and pollutant loading into water;**
4. **Maintaining natural hydrology; and**
5. **Stabilizing slopes to prevent landslides that contribute to sedimentation of water.**

**Applicant:** *“The subject properties include stream and tributaries identified in County SEC overlays (water, wildlife, hillside, and scenic), including very important headwater holdings. The property was purchased by Metro and Master Planned because it represents a significant natural area that was in large part mismanaged or under threat of uses that are incompatible with the natural resource potential for the property.*

*Metro’s Master Plan understands the importance these stream and tributaries play in protecting water quality, ecological function, and wildlife and fishery habitat. As described above, the Master Plan represents a science/conservation based approach to land management. Only those areas deemed appropriate and supportive of recreational uses have been planned for such. Trail development will occur only on existing roads or otherwise where trails are appropriate. Applicant, and its team of scientists and geotechnical engineers have studied the site and alternative trail layouts. The preferred alternatives for trail development represent the best balance between restoring and promoting natural conditions and permitting limited recreational access. Elsewhere, the large forest tracts and headwater holdings are being managed for water quality and erosion control.*

*Historically, the North Tualatin Mountains were dominated by upland forest, described as mosaic mixed conifer forest with mostly deciduous understory. The natural area may have included Douglas fir, western hemlock, red cedar, grand fir, bigleaf maple, yew, dogwood, white oak, red alder. Historic burns were recorded at the southern half of Burlington and the southern half of North Abbey.*

*In recent history these lands have been managed primarily for commercial timber harvest and agriculture. Much of the area was logged in the early 1990s. Today, the North Tualatin Mountains natural areas have hundreds of acres of former commercial tree farms dominated by young stands of Douglas fir. As a result, the sites are characterized by upland forest with densely planted Douglas fir trees that are about 20 to 30 years old. Standing dead trees (snags) and downed wood have been removed by previous property owners through clearcut harvesting or other land uses. In implementing the Master Plan and companion Site Conservation Plan, Metro is managing the forests to reduce the number of conifers per acre, to keep trees healthy, preserve hardwoods and native shrubs, and increase downed dead wood. Several patches of older forest (60 to 80 years old) remain at the southern end of Ennis Creek Forest, and along McCarthy and North Abbey Creeks.*

*The Site Conservation Plan identifies desired future conditions for riparian and upland forests, upland early successional shrub, and oak savanna. Riparian forests protect water quality and provide important habitat near the headwaters of Burlington, Ennis, and McCarthy Creeks, which flow into the Multnomah Channel, and North Abbey Creek, a tributary of the Tualatin River. Tributary creeks and confluence areas provide clean and cold water, nutrients and refuge areas for important fish species.*

*Large conifers and downed wood had been removed from many of the North Tualatin Mountains riparian areas by previous owners, resulting in incised (eroded) stream channels and slumping*

	<p><i>stream banks. Growing big conifers quickly and adding large wood into streams helps improve stream conditions and water quality. Metro is actively working on stream restoration at North Abbey Creek to help curb stream erosion. This policy is met.”</i></p> <p><b>Staff:</b> The purpose of this policy is to direct the County to implement a riparian protection program. Riparian habitat is protected by way of the County Significant Environmental Concern for Streams (SEC-s) overlay (Exhibit B.63) and associated standards. Those standards are applicable to new development within the overlay and not directly applicable to the proposal for a park designation. Comments in the record (Exhibit D.5.a, Pg. 195-199; Exhibit D.5.d, Pg. 195-199; D.33, Pg. 32-36; D.55, Pg. 125-128; D.68, Pg. 124-127) indicate that Metro must demonstrate compliance with the policy. However the policy is directive towards the County to protect riparian resources, which is achieved through the Significant Environmental Concern for streams code standards. <i>This policy is not applicable.</i></p>
<p><b>11.50</b></p>	<p><b>Policy 5.7 Allow changes to existing development when the overall natural resource value of the property is improved by those changes and water quality will be improved.</b></p> <p><b>Strategy 5.7-1: Natural resource protection standards and water quality standards shall allow changes to existing development which result in a net benefit to the protected resource.</b></p> <p><b>Applicant:</b> <i>“The Master Plan and companion Site Conservation Plan are intended to change existing conditions of the property and vastly improve its overall natural resource value, including water quality. This policy is met.”</i></p> <p><b>Staff:</b> The purpose of this standard is to allow changes to existing development when the changes will result in improved natural resource and water quality values. This is achieved through the County’s SEC and Erosion and Sediment Control (ESC) programs when new development or changes to existing development are proposed. As such, this policy is not directly applicable to the proposed park designation. Comments in the record (Exhibit D.5.a, Pg. 199-201; Exhibit D.5.d, Pg. 204-205; D.55, Pg. 128; D.68, Pg. 128) indicate that Metro must demonstrate compliance with the policy. However the policy is directive towards the County to protect riparian resources, which is achieved through the Significant Environmental Concern for streams code standards. <i>The policy is not applicable.</i></p>
<p><b>11.51</b></p>	<p><b>Policy 5.8 Support efforts by the Soil and Water Conservation Districts to conduct a public information and assistance program for watershed property owners in management practices that enhance the water quality of streams.</b></p> <p><b>Applicant:</b> <i>“The Multnomah County Soil and Water Conservation District is a Metro partner and assisting to achieve the objectives outlined in the Master Plan. This policy is supported.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. <i>The proposal is consistent with the intent of this policy.</i></p>
<p><b>11.52</b></p>	<p><b>Policy 5.9 Encourage streamside property owners to use cooperative agreements, property tax deferral and exemption programs to maintain water quality of waterways.</b></p>

	<p><b>Strategy 5.9-1: Work cooperatively with the Soil and Water Conservation Districts, property owner organizations, and the County Assessor to inform landowners about the property tax deferral and exemption programs available to them.</b></p> <p><b>Staff:</b> The policy is primarily directed at private property owners who might benefit from special tax programs for implementing water quality protection on their properties, rather than public entities like Metro. <i>This policy is not applicable.</i></p>
11.53	<p><b>Policy 5.10 Encourage use of voluntary measures to decrease the negative impacts of agricultural practices upon water quality in area streams.</b></p> <p><b>Strategy 5.10-1: Support educational programs through the USDA Natural Resources Conservation Service (NRCS) and the Soil and Water Conservation Districts to inform farming operations of best management practices to reduce agricultural runoff and to protect water quality in area streams.</b></p> <p><b>Applicant:</b> “Education and land stewardship, including teaching techniques to improve ecological function and improve water quality in area streams is an important part of Metro’s mission. Currently, the sites are studied and used for natural resource educational purposes, and will continue to be so. The hope is to lead by example. This policy is supported.”</p> <p><b>Staff:</b> The policy directs the County to encourage voluntary measures to decrease negative impacts from agricultural practices on streams and to support educational programs through the NRCS, but does not require anything of the applicant. <i>The policy is not applicable.</i></p>
11.54	<p><b>Policy 5.11 Protect water quality of streams by controlling runoff that flows into them.</b></p> <p><b>Strategy 5.11-1: Use hillside development and erosion control standards to control the effects of nonpoint runoff into streams from sources such as roadways, parking areas, and other impervious areas.</b></p> <p><b>Applicant:</b> “During the access planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, which in large part were driven by the desire and need to protect and improve water quality of streams. That effort and the desired outcomes are reflected in the Master Plan.</p> <p><i>Site transformation starts with a short-term strategy to mitigate degrading conditions and establish an improving trend in ecological function. Examples of stabilization actions include controlling erosion, forest thinning, reforestation, weed abatement, and mitigating stream incision.</i></p> <p><i>To date, vegetation management and site stabilization activities in the North Tualatin Mountains include thinning to improve forest health, which also reduces long-term fuel and fire risk; culvert maintenance to reduce sedimentation; and invasive species management. At all four sites, tree thinning is planned and/or underway, which will help to restore a more complex forest structure, provide a more diverse habitat, and make forests more resilient to disease and wildfire. At Burlington, Ennis, McCarthy and North Abbey creeks, Metro is developing key wildlife habitat</i></p>

	<p><i>features like snags and down dead wood. As stated above, stream restoration is underway at North Abbey Creek.</i></p> <p><i>As an additional example, old logging roads are a significant source of sediment in streams, which harms water quality and degrades fish habitat. Repairing or decommissioning and revegetating old roads reduces the risk of soil erosion and sediment in streams. Many culverts in the North Tualatin Mountains are old and under-sized, blocking wildlife movement and increasing the risk of failure and the amount of sediment into streams, resulting in decreased water quality. Removing or replacing culverts improves water quality and provides better wildlife connectivity. As envisioned by the Master Plan, Metro will decommission unneeded roads and remove or replace undersized and failing culverts. In short, implementing the Master Plan will result in additional work specifically focused on water quality.</i></p> <p><i>With respect to planned recreational access improvements, geotechnical and hydrological reports directed and support Metro’s planned visitor access improvements. Those reports, coupled with on-site conditions and habitat considerations, dictated where it was and where it was not appropriate to develop infrastructure and trail improvements.</i></p> <p><i>The Master Plan requires and results in new public access in a way that maintains the site’s core ecological function by:</i></p> <ul style="list-style-type: none"> <li><i>• Protecting large blocks of forest and core habitat areas.</i></li> <li><i>• Integrating landscape-level analysis and regional thinking into decision-making about providing access and locating access features.</i></li> <li><i>• Locating new trails where habitat is already fragmented and minimize new fragmentation.</i></li> <li><i>• Providing appropriate setbacks from streams, wetlands, and seasonally wet and sensitive areas.</i></li> <li><i>• Minimizing stream crossings where other routes are possible and using bridges and boardwalks, instead of culverts, where appropriate.</i></li> <li><i>• Avoiding constructing new trails in areas of high natural resource value or high erodibility.</i></li> <li><i>• Using best practices for sustainable trail construction such as cross-slope, rolling grades, and drainage dips to move water off-trail and avoid erosion; and</i></li> <li><i>• Monitoring for water quality and habitat impacts.”</i></li> </ul> <p><b>Staff:</b> The policy requires the County to development hillside and erosion standards that are protective of water quality. The policy is not directly applicable to the application for a Comprehensive Plan amendment for a nature park. <i>The policy is not applicable.</i></p>
<p><b>11.55</b></p>	<p><b>Policy 5.12 Limit visible and measurable erosion from development in substantial compliance with the water quality standards of Title 3 of the Metro Urban Growth Management Functional Plan.</b></p> <p><i>Strategy 5.12-1: Establish standards that apply erosion and sediment control regulations to all development activities that may result in visible or measurable erosion. Visible or measurable erosion includes, but is not limited to:</i></p>

	<p>1. <i>Increases water turbidity above the state water quality standard, where the turbidity measured downstream of development is more than 10% above an upstream control point.</i></p> <p>2. <i>Evidence of concentrated flows of water over bare soils or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.</i></p> <p>3. <i>Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.</i></p> <p><i>Strategy 5.12-2: Help prevent erosion by requiring the use of prevention practices such as non-disturbance areas, construction schedules, erosion blankets, and mulch covers. To the extent that erosion cannot be completely prevented, sediment control measures are to be designed to capture, and retain on site, soil particles that have become dislodged by erosion.</i></p> <p><i>Strategy 5.12-3: Adopt a limited construction season for development within primary and secondary water feature corridors to allow disturbance to occur during dry parts of the year and limit it during wet seasons.</i></p> <p><i>Strategy 5.12-4: Control stormwater volume from developed areas in a manner that does not contribute to increased flow streams and does not result in hydromodification impacts, such as channel straightening, widening, deepening, and clearing of in-stream habitat features. Investigate how runoff could be reduced from roofs, parking, and maneuvering areas through use of site-scale infiltration and other low impact development techniques.</i></p> <p><i>Strategy 5.12-5: Require that stream crossings be avoided where possible, and when unavoidable, require stream crossings to follow Oregon Department of Fish and Wildlife fish passage regulations where native migratory fish are currently or have historically been present. For non-fish bearing streams, require crossings that avoid or minimize impacts to natural stream functions.</i></p> <p><b>Applicant:</b> <i>“Erosion is regulated in accordance with standards adopted by Multnomah County and implemented by the County.”</i></p> <p><b>Staff:</b> This policy relates to development standards and is not directly applicable to the proposed park designation in the Comprehensive Plan. The proposed development in the Burlington Creek forest unit is subject to the Hillside Development standards, which are addressed in Section 6.00. <i>The policy is not applicable.</i></p>
11.56	<p><b>Policy 5.13</b> Update erosion and stormwater management regulations to include Low Impact Development (LID) standards to reduce the impact of built areas, promote the natural movement of water within an ecosystem and better protect riparian areas, streams, wetlands, and watersheds.</p> <p><b>Staff:</b> This policy directs the County to update erosion and stormwater management regulations and is not directly applicable to this application. <i>This policy is not applicable.</i></p>

11.57

**Policy 5.14 Stormwater drainage for new development and redevelopment shall prioritize water quality and natural stream hydrology in order to manage stormwater runoff in accordance with the following:**

- 1. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, or lakes, or alter the drainage on adjoining lands, or cause damage to adjacent property or wildlife habitat.**
- 2. Stormwater infiltration and discharge standards shall be designed to protect watershed health by requiring onsite detention and/or infiltration in order to mimic pre-development hydraulic conditions so that post-development runoff rates and volumes do not exceed pre-development conditions.**
- 3. Apply Low Impact Development Approaches (LIDA) in order to conserve existing resources, minimize disturbance, minimize soil compaction, minimize imperviousness, and direct runoff from impervious areas onto pervious areas.**
- 4. Protect and maintain natural stream hydrology (or flow), with an emphasis on reducing hydromodification impacts such as stream incision and widening.**
- 5. Develop and adopt drainage system design guidelines and standards to accommodate fish and wildlife passage where appropriate.**
- 6. Develop and adopt standards for managing stormwater in landslide hazard areas in accordance with best management practices.**

**Applicant:**

*“During the access planning process, Metro scientists provide baseline information about current conditions, conservation targets and habitat restoration goals, which in large part were driven by the desire and need to protect and improve water quality of streams. That effort and the desired outcomes are reflected in the Master Plan.*

*Site transformation starts with a short-term strategy to mitigate degrading conditions and establish an improving trend in ecological function. Examples of stabilization actions include controlling erosion, forest thinning, reforestation, weed abatement, and mitigating stream incision.*

*To date, vegetation management and site stabilization activities in the North Tualatin Mountains include thinning to improve forest health, which also reduces long-term fuel and fire risk; culvert maintenance to reduce sedimentation; and invasive species management. At all four sites, tree thinning is planned and/or underway, which will help to restore a more complex forest structure, provide more diverse habitat, and make forests more resilient to disease and wildfire. At Burlington, Ennis, McCarthy and North Abbey creeks, Metro is developing key wildlife habitat features like snags and downed dead wood. As stated above, stream restoration is underway at North Abbey Creek.*

*As an additional example, old logging roads are a significant source of sediment in streams, which harms water quality and degrades fish habitat. Repairing or decommissioning and revegetating old roads reduces the risk of soil erosion and sediment in streams. Many culverts in the North Tualatin Mountains are old and under-sized, blocking wildlife movement and increasing the risk of failure and the amount of sediment into streams, resulting in decreased water quality. Removing or replacing culverts improves water quality and provides better wildlife connectivity. Pursuant to this Master Plan, Metro will decommission unneeded roads and remove or replace undersized and*

*failing culverts. In short, implementing the Master Plan will result in additional work specifically focused on water quality.*

*With respect to planned recreational access improvements, geotechnical and hydrological reports directed and support Metro’s planned visitor access improvements. Those reports, coupled with on-site conditions and habitat considerations, dictated where it was and where it was not appropriate to develop infrastructure and trail improvements.*

*The Master Plan requires and results in new public access in a way that maintains the site’s core ecological function by:*

- Protecting large blocks of forest and core habitat areas.*
- Integrating landscape-level analysis and regional thinking into decision-making about providing access and locating access features.*
- Locating new trails where habitat is already fragmented and minimize new fragmentation.*
- Providing appropriate setbacks from streams, wetlands, and seasonally wet and sensitive areas.*
- Minimizing stream crossings where other routes are possible and using bridges and boardwalks, instead of culverts, where appropriate.*
- Avoiding constructing new trails in areas of high natural resource value or high erodibility.*
- Using best practices for sustainable trail construction such as cross-slope, rolling grades, and drainage dips to move water off-trail and avoid erosion; and*
- Monitoring for water quality and habitat impacts.*

*The County ensures that stormwater discharges associated with new development comply with county standards through land use review. Applicant has and will demonstrate that stormwater generated by any proposed site improvements will not adversely impact water quality or natural stream hydrology. Run-off generated by improvements will be managed via on site detention and/or infiltration. A stormwater design and report was developed as part of the companion use application for improvements proposed at Burlington Creek Forest. Trails are aligned and designed with stormwater in mind incorporating out slopes and frequent grade reversals to minimize run off speeds and shed water locally.”*

**Staff:** Staff concurs with and adopts Metro’s proposed finding. *The proposal conforms to the intent of the policy.*

**11.58**

**Rivers, Streams, and Wetlands Willamette River Greenway**

**Policy 5.15 Protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River.**

**Applicant:** *“The property is not within the Willamette River Greenway. This policy is not applicable.”*

**Staff:** *None of the forest units are within the Willamette River Greenway overlay. The policy is not applicable.*

<p>11.59</p>	<p><b>Wild and Scenic Waterways</b></p> <p><b>Policy 5.16</b> Protect all state or federal designated scenic waterways from incompatible development and prevent the establishment of conflicting uses within scenic waterways.</p> <p><b>Applicant:</b> “The property is not within a Wild and Scenic Waterway. This policy is not applicable.”</p> <p><b>Staff:</b> There are no state or federal designated scenic waterways in the vicinity of the four forest units. <i>The policy is not applicable.</i></p>
<p>11.60</p>	<p><b>Policy 5.17</b> Recognize and support the Management Goals, Standards and Guidelines of the Sandy Wild and Scenic River and State Scenic Waterway Management Plan (1993), which are intended to protect and enhance the following outstanding values: scenic, recreation, wildlife habitat, water quality and quantity, fisheries, geological, botanical/ecological, and cultural.</p> <p><b>Staff:</b> There are no wild and scenic waterways in the vicinity of the four forest units. <i>The policy is not applicable.</i></p>
<p>11.61</p>	<p><b>Wetlands and Riparian Areas</b></p> <p><b>Policy 5.18</b> Designate as areas of Significant Environmental Concern, those water areas and adjacent riparian areas, streams, wetlands, and watersheds that warrant designation as a protected Goal 5 resource or have special public value in terms of the following:</p> <ol style="list-style-type: none"> <li>1. Economic value, including ecosystem services value (the benefits people derive from ecosystems, including but not limited to: nutrient recycling, air purification, climate regulation, carbon sequestration, water purification, food, temperature regulation, and aesthetic experience);</li> <li>2. Natural area value (areas valued as habitats for plant, animal or aquatic life, or having a state or federally listed plant or animal species);</li> <li>3. Recreation value, where compatible with underlying natural area value;</li> <li>4. Educational research value (ecologically and scientifically significant lands), or;</li> <li>5. Public safety (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes).</li> </ol> <p><b>Applicant:</b> “This is a directive to the County. The subject property already includes riparian areas that are designated areas of SEC and Goal 5 resources. Th[is] polic[y] [is] met.”</p> <p><b>Staff:</b> This policy provides direction to the County regarding how to designate areas of Significant Environmental Concern (SEC). Although the subject property includes areas with an SEC designation as Metro notes, as a directive to the County this policy is not directly applicable to Metro’s proposal. <i>The policy is not applicable.</i></p>

<p>11.62</p>	<p><b>Policy 5.19</b> Periodically review and consider any new data to update, adjust, and more accurately show riparian corridor centerlines.</p> <p><b>Applicant:</b> <i>“This is a directive to the County. The subject property already includes riparian areas that are designated areas of SEC and Goal 5 resources. Th[is] polic[y] [is] met.”</i></p> <p><b>Staff:</b> The intent of this policy is for the County periodically to update riparian corridor centerlines. The County periodically legislatively updates SEC maps to reflect the best available data. Stream overlay standards are based on the actual locations of stream channels. As a directive to the County, this policy is not directly applicable to Metro’s proposal. <i>The policy is not applicable.</i></p>
<p>11.63</p>	<p><b>Policy 5.20</b> Promote creation of cooperative property owner organizations for the protection of individual streams and their watersheds.</p> <p><i>Strategy 5.20-1: Encourage these and other organizations, including Soil and Water Conservation Districts, to provide technical assistance and information regarding financial resources to people about best management practices necessary to protect streams and adjoining riparian habitat.</i></p> <p><b>Policy 5.21</b> Provide incentives through the Zoning Code for new development to be compatible with, and enhance, significant streams and adjoining riparian habitat.</p> <p><b>Policy 5.22</b> Support and promote enforcement of existing stream protection standards in the Forest Practices Act.</p> <p><i>Strategy 5.22-1: Seek changes to the Forest Practices Act when necessary to better protect stream water quality.</i></p> <p><b>Policy 5.23</b> Promote cooperation with owners throughout the entire watershed, regardless of jurisdictional lines.</p> <p><i>Strategy 5.23-1: Work cooperatively with the local Soil and Water Conservation Districts and other interested parties in efforts to promote watershed health throughout the entire watershed.</i></p> <p><b>Applicant:</b> <i>“These policies direct the County to promote riparian and watershed conservation efforts. Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region’s water quality; and provide trail connections between the region’s largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.</i></p> <p><i>The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.</i></p> <p><i>Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities. Metro scientists then worked with Metro’s planning team to develop access opportunities that are</i></p>

	<p><i>compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case.</i></p> <p><i>Supporting the Master Plan will promote these policies.”</i></p> <p><b>Staff:</b> These policies direct the County to cooperate with various agencies, property owners, and programs/regulatory frameworks with respect to promoting natural resource programs and therefore are not directly applicable to Metro’s application. <i>These policies are not applicable.</i></p>
11.64	<p><b>Policy 5.24 Balance protection of significant streams with flexibility of use by property owners.</b></p> <p><i>Strategy 5.24-1: Provide incentives to encourage development to be compatible with significant streams.</i></p> <p><i>Strategy 5.24-2: Consider additional streams for significance and protection if requested by a property owner or other interested party.</i></p> <p><b>Applicant:</b> <i>“The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for habitat connections. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. To do so, the plan:</i></p> <ul style="list-style-type: none"> <li><i>• Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat.</i></li> <li><i>• Integrates landscape-level analysis and community desires into decision-making.</i></li> <li><i>• Identifies and accesses the best location for day use and trail heads.</i></li> <li><i>• Utilizes existing road and trails and locates new trails where habitat is already fragmented while minimizing new fragmentation.</i></li> <li><i>• Employs sustainable trail construction techniques.</i></li> <li><i>• Provides safe ingress and egress and internal movement of vehicles and pedestrians.</i></li> <li><i>• Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports.</i></li> <li><i>• Requires continuing monitoring of water quality and habitat impacts and the flexibility to make adjustment if needed.</i></li> </ul> <p><i>Metro envisions visitor improvements at two of the four sites: initially at Burlington Creek Forest and subsequently, and minimally, at McCarthy Creek Forest. The location and extent of envisioned improvements were dictated by site conditions, including existing roads, trails and sensitive areas, as well as site limitations, including fairly steep topography and forested hillsides, which are typical of the surrounding landscape. Ennis Creek Forest and North Abbey Creek Forest will remain natural areas, with the exception of the future Pacific Greenway Trail envisioned through Ennis Creek Forest.</i></p> <p><i>All four sites are significantly altered and damaged by prior land management activities. Site stabilization and restoration work at all four sites has already begun in earnest. Activities include invasive weed control, thinning, planting native plants and trees, erosion control, culvert repair, road maintenance (including decommissioning), and stream improvements. The land management activities also reduce long-term fuel and wildfire risk and make the forest more resistant to disease. Metro has working partnerships with West Multnomah Soil and Water Conservation District, City</i></p>

	<p><i>of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon to support this and future work.</i></p> <p><i>Site rehabilitation and management is pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aims to protect and enhance the North Tualatin Mountain’s natural and scenic resources and to create a place for wildlife to thrive. See Exhibit 3 [Exhibit A.4.10]. Metro is committed to engaging in sustainable forestry practices, including restoring old-growth habitat, increasing the biodiversity of forests through selective harvesting, management and plantings, preserving connectivity, supporting wildlife, and protecting clean water. Unneeded roads will be decommissioned.</i></p> <p><i>In planning for access, five potential entry locations (at least one at each of the four forests) were evaluated to understand the feasibility of providing safe ingress and egress. While the five locations were all determined to be feasible, the location, site conditions, conservations goals, and the varying degree of improvements needed to provide safe and sufficient access dictated which access opportunities were most appropriate. Other specific considerations given were trail construction feasibility, environmental considerations, stakeholder and community input, and the access objective - providing opportunities for meaningful experiences of nature. Knowing that people experience and connect with nature in many different ways, Metro sought to provide welcoming entries; provide a system of trails that serve appropriate multiple uses and trail users of differing abilities; provide access to viewpoints and key natural features; promote visitor safety; and reduce and mitigate potential impacts on the surrounding community; among others.</i></p> <p><i>As the master plan shows, four significant streams are identified as occurring within the subject property. At Burlington Creek Forest no new development is proposed near either stream, with the exception of the retention of one short segment of existing roadway within the outermost portion of one stream corridor. At McCarthy Creek forest, while a stream overlook is planned near McCarthy Creek, an existing road crossing over McCarthy Creek is planned to be decommissioned. At the North Abbey Creek site, no development is proposed. This balanced approach supports this policy.</i></p> <p><i>The two plus year public planning and review process resulted in the preferred alternative represented in the Master Plan.”</i></p> <p><b>Staff:</b> The policy directs the County to balance stream protections and development rights in the SEC stream regulations. The method for applying this policy is by allowing some development in protected riparian areas subject to regulations. No new development is proposed within the SEC-s overlay. <i>The policy is not applicable.</i></p>
<p><b>11.65</b></p>	<p><b>Policy 5.25 Although a wetland area may not meet the County criteria for the designation “Significant,” the resource may still be of sufficient importance to be protected by State and Federal agencies.</b></p> <p><b>Staff:</b> Policy 5.25 is advisory rather than a directive, and as such is not directly applicable to the County review for a nature park. Policy 5.25 is statement that wetlands that are not protected by the County may be protected by State and Federal agencies. <i>The policy is not applicable.</i></p>
<p><b>11.66</b></p>	<p><b>Fish and Wildlife Habitat</b></p>

	<p><b>Policy 5.26</b> Designate as areas of Significant Environmental Concern, those habitat areas that warrant designation as a protected Goal 5 resource or have special public value in terms of the following:</p> <ol style="list-style-type: none"> <li>1. Economic value, including ecosystem services value (the benefits people derive from ecosystems, including but not limited to: nutrient recycling, air purification, climate regulation, carbon sequestration, water purification, food, temperature regulation, and aesthetic experience);</li> <li>2. Natural area value (areas valued as habitats for plant, animal or aquatic life, or having a state or federally listed plant or animal species);</li> <li>3. Recreation value, where compatible with underlying natural area value;</li> <li>4. Educational research value (ecologically and scientifically significant lands), or;</li> <li>5. Public safety (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes).</li> </ol> <p><i>Strategy 5.26-1: Maintain inventories and continue to protect all significant wildlife habitats in accordance with applicable ESEE analysis reports.</i></p> <p><i>Strategy 5.26-2: Periodically review and consider any new data to update the inventory of significant wildlife habitats.</i></p> <p><i>Strategy 5.26-3: Update the inventory of wildlife habitat and associated wildlife corridors in accordance with Statewide Planning Goal 5.</i></p> <p><i>Strategy 5.26-4: Designate wildlife habitat and corridors mapped by Oregon Department of Fish and Wildlife as significant.</i></p> <p><i>Strategy 5.26-5: Conduct an analysis of “Economic, Social, Environmental, and Energy” (ESEE) consequences on wildlife habitat that has been added to the inventory.</i></p> <p><i>Strategy 5.26-6: If warranted by an ESEE analysis, apply the Significant Environmental Concern overlay for wildlife habitat (SEC-h) to any newly identified significant wildlife habitat.</i></p> <p><b>Applicant:</b></p> <p><i>“This is a directive to the County. The subject property already includes habitat that are designated areas of SEC. This policy is met.”</i></p> <p><b>Staff:</b> Policy 5.26 provides direction to the County for developing and implementing the SEC program and is not applicable to the proposal. <i>This policy is not applicable.</i></p>
11.67	<p><b>Policy 5.27</b> Protect significant native fish and wildlife habitat and wildlife corridors and specifically limit conflicting uses within these habitats and sensitive big game winter habitat areas.</p> <p><i>Strategy 5.27-1: Utilize local and regional scientific information to identify significant native fish and wildlife habitat areas and wildlife corridors. If necessary, supplement this information with additional science-based analysis to identify additional significant habitat areas and corridors.</i></p>

**Strategy 5.27-2: Provide information through various existing programs to the community about how wildlife habitat can co-exist with other uses on private property.**

**Strategy 5.27-3: Work with the Oregon Department of Forestry to better protect wildlife habitat from the negative impacts associated with timber harvesting.**

**Strategy 5.27-4: Direct the Multnomah County Vector Control staff to coordinate with Oregon Department of Fish and Wildlife, using that agency's map of sensitive areas and their Vector Control Guidance for Sensitive Areas to identify important habitat for sensitive species like red-legged frogs and native turtles where an altered protocol should be used. The County's vector control staff is encouraged to act as a resource in efforts to educate and collaborate with landowners about natural means of mosquito control.**

**Applicant:** "Historically, the North Tualatin Mountains were dominated by upland forest, described as a mosaic mixed conifer forest with mostly deciduous understory. The natural area may have included Douglas fir, western hemlock, red cedar, grand fir, bigleaf maple, yew, dogwood, white oak, and red alder. Historic burns were recorded at the southern half of Burlington and the southern half of North Abbey.

In recent history these lands have been managed primarily for commercial timber harvest and agriculture. Much of the area was logged in the early 1990s. Today, the North Tualatin Mountains natural areas have hundreds of acres of former commercial tree farms dominated by young stands of Douglas fir. As a result, the sites are characterized by upland forest with densely planted Douglas fir trees that are about 20 to 30 years old. Standing dead trees (snags) and downed wood have been removed by previous property owners through clearcut harvesting or other land uses. Metro is actively managing the forests to reduce the number of conifers per acre, to keep trees healthy, preserve hardwoods and native shrubs, and increase downed dead wood. Several patches of older forest (60 to 80 years old) remain at the southern end of Ennis Creek Forest, and along McCarthy and North Abbey Creeks.

Open areas exist in places that had been cleared for pasture, agriculture or home sites. In addition, power line corridors runs generally north-south the length of Burlington Creek and Ennis Creek Forest sites.

The open areas provide opportunities for shrub dominated plant communities which provide important feeding and breeding habitat for neotropical migrant birds as well as other wildlife. Metro has maintained some existing open areas by controlling tree encroachment.

The Site Conservation Plan identifies desired future conditions for riparian and upland forests, upland early successional shrub, and oak savanna.

**Upland Forest:** Upland forests are composed primarily of native trees and shrubs such as Douglas fir, big-leaf maple, Oregon grape, salal and sword fern. The upland forest is especially important to migrating and nesting songbirds, woodpeckers, mammals such as Douglas squirrel and deer, and as seasonal habitat for salamanders, frogs and turtles. Urbanization has fragmented and reduced the amount of upland forest.

**Riparian Forests:** Riparian forests protect water quality and provide important habitat near the headwaters of Burlington, Ennis, and McCarthy Creeks, which flow into the Multnomah Channel, and North Abbey Creek, a tributary of the Tualatin River. Tributary creeks and confluence areas provide clean and cold water, nutrients and refuge areas for important fish species.

*Upland Early Successional Shrub: Shrub dominated communities provide food and cover for neotropical migrant songbirds and create habitat for a variety of pollinator species. Small scale agricultural sites, recently logged areas, and utility clearings are opportunities to manage for early successional upland forest shrubs.*

*Oak Savanna: Oak savanna and oak woodlands harbor many unique plant and animal species. Once common, such habitats are now rare in our region.*

*In general, Metro manages for habitat conditions rather than targeting individual species. Exceptions are made when the needs of a high-priority species are not addressed via habitat-level approaches. Partners and community members have expressed particular interest or concern about several species known or thought to occur on-site. Following is a brief summary of key species considerations and how they have informed this plan.*

*No sensitive big game habitat is present. Elk are found throughout areas in and around the North Tualatin Mountains. The North Tualatin Mountains herd is part of the Willamette Unit, which is an ODFW “de-emphasis area.” Because of this, ODFW allows a longer hunting season and has more liberal tag regulations, including not tracking bull to cow ratios. Although the elk are born and raised around humans, and are relatively acclimated to some human activity, trail development at Burlington and McCarthy may change their movement patterns. That said, according to ODFW, available forage, especially grass, is one of the biggest issues limiting Elk in the North Tualatin Mountains; fragmented habitat has a lesser impact.*

*According to observations of the North Tualatin Mountains as a whole, elk frequent several meadows in the area and migrate between these sites and into Forest Park. Given that these elk move within a relatively large area, frequently cross busy roads, and use backyards and farm fields, an increase in human use of a small portion of the North Tualatin Mountains sites is not likely to cause significant effects on the elk population.*

*Elk are charismatic and great to see along the Tualatin Mountains Ridge. Through this planning process, participating community members have expressed how important this herd of elk is to people who live in the area. For this reason, the Master Plan was amended to minimize disturbances to local elk movement.”*

**Staff:** Policy 5.27 provides direction to the County for developing and implementing the SEC program and is not applicable to the proposal. The Significant Environmental Concern (SEC) overlay and related regulations were developed using the Environmental, Social, Economic and Energy (ESEE) methodology. None of the forest units are located within a Big Game habitat area (Exhibit B.18). A number of comments make reference to this policy (Exhibits D.2, D.5.a, D.5.d, D.33, D.55, D.68, and D.88). The comments generally indicate that the Metro needs to demonstrate compliance with Policy 5.27. However because the policy directs the County to implement regulations based on the policy, Metro’s obligation is to meet the code provisions that are developed as a result of the policy. *Policy 5.27 is not applicable.*

**11.68 Policy 5.28 Establish a Wildlife Advisory Committee to advise the County about matters under its jurisdiction and control that may affect wildlife.**

**Policy 5.29 Develop and implement a bird-friendly building policy for new buildings.**

	<p><i>Strategy 5.29-1: Review Portland’s Green Building Design Guidelines and other sources for appropriate building requirements.</i></p> <p><b>Policy 5.30 Encourage and promote bird-friendly building practices.</b></p> <p><i>Strategy 5.30-1: Develop or procure educational materials about bird-friendly building design, construction, and management, and make those materials available to development applicants.</i></p> <p><b>Policy 5.31 Protect significant forested wildlife habitat areas through large-lot zoning and educational programs.</b></p> <p><i>Strategy 5.31-1: Provide information through various existing programs to the community about how wildlife habitat can co-exist with other uses on private property.</i></p> <p><i>Strategy 5.31-2: Work with the Oregon Department of Forestry to better protect wildlife habitat from the negative impacts associated with timber harvesting.</i></p> <p><i>Strategy 5.31-3: Work cooperatively with the local Soil and Water Conservation Districts and the USDA Natural Resources Conservation Service to develop a public education and assistance program which informs landowners, including farmers, on how they can manage their properties to best protect wildlife habitat while continuing to make productive economic use of their land.</i></p> <p><b>Policy 5.32 Provide incentives through the zoning code for new development to be compatible with and to enhance wildlife habitat.</b></p> <p><b>Applicant:</b>  <i>“Policies 5.28, 5.29, 5.30, and 5.31 all direct the County to take certain actions. They are not applicable.”</i></p> <p><b>Staff:</b> Staff concurs with and adopts Metro’s proposed finding. <i>The policies are not applicable.</i></p>
<p><b>11.69</b></p>	<p><b>Policy 5.33 Balance protection of wildlife habitat with flexibility of use by property owners.</b></p> <p><i>Strategy 5.33-1: Enforce existing animal control restrictions on free-ranging domestic pets which can have a negative impact on wildlife.</i></p> <p><i>Strategy 5.33-2: In significant wildlife habitat areas, encourage fencing which allows wildlife to pass through.</i></p> <p><i>Strategy 5.33-3: Encourage clustering of development to minimize conflicts with wildlife.</i></p> <p><i>Strategy 5.33-4: Where possible, streamline and simplify the Multnomah County Code to provide and encourage fish and wildlife habitat restoration and enhancement projects on public and private lands conducted by natural resource public agencies such as Metro, Soil and Water Conservation Districts, and Oregon Department of Fish and Wildlife.</i></p> <p><b>Applicant:</b> <i>“As the Comprehensive Plan recognizes, balancing recreational uses with resource management and the protection of natural resources is a main objective in any planning effort, including that represented in Metro’s Master Plan.</i></p> <p><i>Metro properties, as represented in the North Tualatin Mountains Master Plan, are critical to the area retaining scenic views, forest health, and natural resource and habitat protections. The</i></p>

	<p><i>Master Plan favors conservation and promoting habitat and water quality, while permitting limited recreation in areas that can safely and efficiently be served.</i></p> <p><i>The Master Plan was developed through a lengthy and involved public process that included stakeholders and community members representing the West Hills. If Metro is permitted to implement the Master Plan, it will improve the forest health of over 1,300 acres, promote wildlife and riparian habitat and function, and provide additional recreational opportunities for multiple users and abilities.”</i></p> <p><b>Staff:</b> Policy 5.33 directs the County to provide flexibility in its wildlife protection program and is generally not directly applicable to the proposal. Strategy 5.33-1 is concerned with the effect of domestic animals on wildlife. Metro has indicated it will enforce a leash policy in park areas as indicated on pdf page 169 of Exhibit A.4.</p> <p>No fencing is proposed by the applicant apart from the access gate at Burlington Creek that will close when the park is closed.</p> <p>The policy to cluster development is difficult to apply to recreational trails. The parking and restroom building for Burlington Creek are all clustered together. Strategy 5.33-4 requires consideration of future code amendments and is not applicable to this application. <i>The proposal conforms to the applicable strategies of this policy.</i></p>
11.70	<p><b>Policy 5.34 Work with State and local agencies, Soil and Water Conservation Districts, and other public and private conservation groups to protect high value habitat such as, but not limited to, oak woodlands, bottomland cottonwood/ash forests, and old growth forests.</b></p> <p><b>Applicant:</b> <i>“Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon, among other groups to support the restoration and recreational uses envisioned in the Master Plan. With the County’s support of Metro’s Master Plan, this policy can be met.”</i></p> <p><b>Staff:</b> The policy directs the County to work with public and private organizations to protect high value habitat. The method for applying this policy is to add flexibility where possible when amending the SEC regulations. <i>The policy is not applicable to the current application.</i></p>
11.71	<p><b>Policy 5.35 Work with and coordinate with the Oregon Department of Fish and Wildlife (ODFW), local Soil and Water Conservation Districts, and other agencies or organizations authorized by the State to administer the Wildlife Habitat tax deferral programs for lands that are eligible by administrative rule or statute.</b></p> <p><b>5.36 Explore amendments to the Significant Environmental Concern overlay for wildlife habitat (SEC-h) to limit the size and building footprint of houses in order to minimize harm to wildlife habitat in significant habitat areas.</b></p> <p><b>Applicant:</b> <i>“Policies 5.35 and 5.36 direct the County to take certain actions concerning taxes and code amendments. They are not applicable.”</i></p>

	<p><b>Staff:</b> Staff concurs. <i>Policy 5.26 is not applicable.</i></p>
<p><b>11.72</b></p>	<p><b>Policy 5.37 Encourage educational programs regarding the maintenance and restoration of wildlife habitat, including programs addressing:</b></p> <ol style="list-style-type: none"> <li><b>1. Maintenance and restoration of wildlife corridors.</b></li> <li><b>2. Restoration and enhancement of wetlands, riparian areas, and grasslands.</b></li> <li><b>3. Planting of native vegetation hedgerows.</b></li> <li><b>4. Conserving Oregon white oak habitat and bottomland cottonwood/ash forests.</b></li> <li><b>5. Use of wildlife-friendly fencing.</b></li> </ol> <p><b>Applicant:</b> <i>“Education and land stewardship, including teaching techniques to improve conservation values, ecological function and improve water quality in area streams, are an important part of Metro’s mission. Currently, the sites are studied and used for natural resource educational purposes, and will continue to be so.</i></p> <p><i>Since 2014, Metro has partnered with the non-profit Self Enhancement Inc. (SEI) to connect hundreds of at-risk youth of color with nature programming at North Tualatin Mountains' North Abbey Creek and McCarthy Creek sites. During the park planning process, SEI youth were exposed to nature education and conducted a joint planting party with the Northwest Trail Alliance. Unfortunately Burlington Creek Forest, in its current state, is not feasible for programming with youth as young as middle school age due to the lack of infrastructure such as formal parking, restrooms, and wayfinding. Until such features are in place, SEI program opportunities will be limited to short-duration visits focused on high school students. Outreach to and partnerships with marginalized communities for nature education and engagement will expand once trail construction is completed.</i></p> <p><i>The hope is to lead by example. With the County’s support of Metro’s Master Plan, this policy can be met.”</i></p> <p><b>Staff:</b> Staff concurs. Metro is encouraged to actively provide educational opportunities to students and community members.</p>
<p><b>11.73</b></p>	<p><b>Scenic Views and Sites</b></p> <p><b>Policy 5.38 Conserve scenic resources and protect their aesthetic appearance for the enjoyment of future generations.</b></p> <p><i>Strategy 5.38-1: Apply the SEC overlay zone to the Sandy River State Scenic Waterway and any other designated significant scenic areas to assure the scenic resources of these areas are not diminished as new development occurs.</i></p> <p><i>Strategy 5.38-2: Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., National Forest Service, State Parks and Recreation Department’s Rivers Program, etc.).</i></p> <p><i>Strategy 5.38-3: Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.</i></p>

*Strategy 5.38-4: Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.*

*Strategy 5.38-5: Administer Design Review provisions to enhance visual qualities of the built environment.*

**Policy 5.39 Balance protection of scenic views with flexibility of use by property owners.**

*Strategy 5.39-1: Do not render property unbuildable solely because of scenic view considerations.*

*Strategy 5.39-2: Allow placement of residences so that a view from the property is possible as long as the proposed development is visually subordinate from key viewing areas.*

*Strategy 5.39-3: Regulate the use of reflective glass, including solar panels, in scenic areas.*

*Strategy 5.39-4: Promote strong Forest Practices standards to better protect scenic views from the negative impacts associated with timber harvesting.*

*Strategy 5.39-5: Provide incentives to encourage development to be compatible with significant scenic views.*

*Strategy 5.39-6: In the West of Sandy planning subarea, use education - i.e. providing information regarding identified viewsheds to property owners -- rather than regulations to implement this policy.*

**Applicant:** “Although the Burlington Creek Forest is within the SEC-scenic view overlay, the access road, vault toilet, and related amenities are appropriately located and topographically screened. As such, they will not be visible in the range’s view shed, up from the river. The restoration and reforestation activities to be implemented through the Master Plan will promote healthy vegetation and support the view shed, as compared to clearcuts and potential housing and residential development that threatened before Metro’s acquisition.

*Also, access improvements will provide and encourage access to scenic vistas, allowing County citizens to enjoy its land and sense of place. This policy is met.”*

**Staff:** Policies 5.38 and 5.39 direct the county to develop and maintain a program that is protective of scenic views. This program is implemented through the SEC-v overlay and related regulations. The Ennis Creek Forest and Burlington Creek Forest are within the Significant Environmental Concern for scenic views (SEC-v) overlay. Development proposals are subject to the SEC-v overlay standards but are not applicable to the proposal for a public park designation. *This policy is not applicable.*

11.74

**Tree Protection**

**Policy 5.40 In order to minimize the detrimental environmental impacts and habitat fragmentation of extensive tree removal around structures, development, landscaping, and yard areas, amend the Significant Environmental Concern overlay zones to require**

	<p>replanting of trees, in areas where tree removal has occurred, consistent with County fire-safety standards and legitimate farm uses.</p> <p>The County may require concurrence from the Oregon Department of Agriculture of a legitimate farm use when tree removal is done to convert forest land to agricultural use. For timber harvests under the Oregon Forest Practices Act (OFPA), the County may require evidence of compliance with the OFPA and may require reforestation within areas considered exempt from reforestation by the Oregon Department of Forestry such as, but not limited to, areas cleared for residential development.</p> <p><i>Strategy 5.40-1: Update development requirements to ensure that removal of trees to accommodate new development is minimized and that replanting of such trees is required where physically possible.</i></p> <p><i>Strategy 5.40-2: Monitor implementation of approved developments to ensure that tree protection and replanting requirements are met within a specified time period and that tree removal does not exceed the level approved in the development permit.</i></p> <p><b>Applicant:</b> “While only minimal tree removal is planned at the North Tualatin sites to accommodate development, it will be mitigated in compliance with County fire-safety standards. Policy 5.40 directs the County to take certain actions concerning code amendments. It is not applicable.”</p> <p><b>Staff:</b> The policy requires code amendments and applies only to the extent the existing SEC standards partially implement the policy. <i>The policy is not applicable.</i></p>
11.75	<p><b>Air Quality, Noise, and Lighting Impacts</b></p> <p><b>Policy 5.41 Cooperate in the development and implementation of regional efforts to maintain and improve air and water quality and reduce noise impacts.</b></p> <p><b>Applicant:</b> “Policy 5.41 directs the County to cooperate in regional efforts to maintain and improve air and water quality. By supporting Metro’s Master Plan, the County will be supporting a substantial effort to protect and improve significant watershed and promote both air and water quality throughout 1,300 acres of the North Tualatin Mountains.”</p> <p><b>Staff:</b> Staff concurs and adopts Metro’s proposed finding.</p>
11.76	<p><b>Policy 5.42 If a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the development must meet the following:</b></p> <ol style="list-style-type: none"> <li><b>1. Building placement on the site must be in an area having minimal noise level disruptions to reduce impacts from surrounding noise generators if the use is a noise-sensitive use, or to minimize impacts on surrounding uses if the use is a noise generator.</b></li> <li><b>2. Building insulation or other construction techniques must be used to lower interior noise levels in noise-impacted areas.</b></li> </ol> <p><i>Strategy 5.42-1: Inventory existing and potential air, water, wildlife habitat, and noise impacts at the local level as part of the planning process.</i></p>

	<p><i>Strategy 5.42-2: Cluster, buffer or isolate land uses which cause negative impacts on air and water resources or wildlife habitat areas or are noise generators.</i></p> <p><i>Strategy 5.42-3: Limit noise impacts on wildlife habitat areas.</i></p> <p><i>Strategy 5.42-4: Review and revise the Multnomah County Noise Ordinance as needed to minimize impacts from major noise generating uses, such as agri-tourism events and mass gatherings, on nearby rural residences.</i></p> <p><i>Strategy 5.42-5: Request that the Port of Portland conduct semi- annual review of impacts from Port owned properties having noise and light effects on rural areas of the County.</i></p> <p><b>Applicant:</b> <i>“No noise sensitive use or noise impacted area is involved in this application. This policy is not applicable. Much of what is proposed in the Master Plan are forestry practices. Any future development will be limited. Noise impacts may occur briefly during constructing parking facilities at Burlington and potentially further in the future at McCarthy. However, the proposed facilities are in the interior of large acreage wooded properties which shield the surrounding area from any noise that may emanate from the site.”</i></p> <p><b>Staff:</b> The application does not involve a designated noise-sensitive area nor does it propose a noise generating use. Strategy 5.42-3 states, ‘Limit noise impacts on wildlife habitat areas.’ <i>The proposal conforms to the intent of this policy.</i></p>
11.77	<p><b>Policy 5.43 Require outdoor lighting to be low intensity and designed in a manner that minimizes the amount of light pollution.</b></p> <p><i>Strategy 5.43-1: Adopt a “dark sky” ordinance and work with the City of Portland, Port of Portland, and other adjacent jurisdictions and agencies towards reducing light pollution from sources outside the County’s jurisdictional boundary.</i></p> <p><b>Applicant:</b></p> <p><i>“Light fixtures may be included in the trailhead development plans. Any lighting will be dark skies compliant. Compliance with policy will be ensured through the land development process.”</i></p> <p><b>Staff:</b> Condition I.2 addresses all lighting standards applicable to the proposed light fixture including the standards in MCC 33.0570 – Dark Sky Lighting Standards which are addressed in Section 9.00 of this report.</p>
11.78	<p><b>Wilderness Areas</b></p> <p><b>Policy 5.44 Recognize the value of wilderness among the many resources derived from public lands.</b></p> <p><i>Strategy 5.44-1: As a federally designated wilderness area, the Mark O. Hatfield Wilderness is a significant Goal 5 Resource Site.</i></p>

	<p><i>Strategy 5.44-2: The Mark O. Hatfield wilderness area shall be protected through the County’s most restrictive Commercial Forest Use zoning and/or through the appropriate SEC overlay zoning.</i></p> <p><i>Strategy 5.44-3: Coordinate with federal land management agencies and Congressional staff in the formulation of proposals for any additional wilderness areas within Multnomah County.</i></p> <p><i>Strategy 5.44-4: Support wilderness designation of federal lands which meet guidelines for wilderness designation.</i></p> <p><b>Applicant:</b> “Although the property has the potential for and will be managed for wilderness/old growth like attributes, the wilderness classification is a federal classification. Like wilderness throughout the state, the appropriate balance between habitat preservation and recreational use is achievable and represented in the Master Plan.”</p> <p><b>Staff:</b> Staff concurs. None of the forest units are federally designated wilderness areas. <i>The policy is not applicable.</i></p>
11.79	<p><b>Mineral and Energy Resources</b></p> <p><b>Policy 5.45 Protect sites required for generation of energy.</b></p> <p><i>Strategy 5.45-1: Maintain an inventory of energy sources production sites within the County.</i></p> <p><i>Strategy 5.45-2: Coordinate with appropriate regulatory or licensing authorities in the protection of sites required for energy generation.</i></p> <p><b>Policy 5.46 Protect and ensure appropriate use of mineral and aggregate resources of the County and minimize conflicts between surface mining activities and surrounding land uses.</b></p> <p><i>Strategy 5.46-1: The County shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and Oregon Administrative Rules, Chapter 660, Division 16.</i></p> <p><i>Strategy 5.46-2: Allow mining and the expansion of the significant Goal 5 mineral and aggregate resources, in accordance with state rules, statutes, and local conditional use permit requirements, to provide needed aggregate materials for the Portland Metropolitan Area.</i></p> <p><i>Strategy 5.46-3: Require new or expanded mineral and aggregate extraction operations to develop programs based upon an economic, social, environmental, and energy (ESEE) consequences analysis that will minimize any negative effects of mineral and aggregate-related activities on surrounding affected uses.</i></p> <p><i>Strategy 5.46-4: Utilize the Protected Aggregate and Mineral Resources (PAM) Overlay and Mineral Extraction conditional use criteria to protect identified mineral and aggregate resource sites and to reduce potential impacts of resource extraction on uses within the overlay zone.</i></p> <p><i>Strategy 5.46-5: Balance the need for aggregate materials with the protection of scenic views, streams, and wildlife habitat within the vicinity of significant Goal 5 mineral and</i></p>

*aggregate resources including implementing measures contained in past reconciliation reports for the Angell Brothers and Howard Canyon quarry sites.*

*Strategy 5.46-6: The County will coordinate its permitting and compliance monitoring processes for mineral and aggregate resources with the Oregon Department of Geologic and Mineral Industries (DOGAMI), Department of Environmental Quality (DEQ), and Oregon Department of State Lands (DSL) as applicable. For mining operations where the County has issued a land use permit, the County will initiate coordination efforts by conducting biennial compliance reviews with the regulatory agencies or according to such other review schedule acceptable to the regulatory agencies.*

*Strategy 5.46-7: Conditional use permits issued by the County for new, renewed, or expanded mining operations shall be reviewed every two years to determine compliance with the permit conditions.*

**Applicant:** *“The subject property plays a critical role in the delivery of power to County residents.*

*Both PGE and BPA have easements through Metro properties to place and maintain power transmission lines. Additional recreational resources will not adversely impact these power resources. Also, a gravel mining operation exists north of Ennis Creek and south of Burlington Creek. Ennis Creek is master planned for forestry uses and restoration activities which have no impact on the operation. Burlington Creek is planned for forestry, restoration, and recreational activities that will have no impact on the mining operations. Additionally, County land use code and its PAM overlay ensure that any specific land uses permitted adjacent to the mining operation will not conflict. This policy is met and promoted through the PAM overlay.”*

**Staff:** The four forest units are not inventoried energy source areas. Property adjacent to the Burlington Creek Forest and Ennis Creek Forest is designated as a Protected Aggregate Mineral site. Findings regarding the Protected Aggregate Mineral site are located in Section 9.00 of this report.

**11.80 Sauvie Island and Multnomah Channel Policies and Strategies**

**Policy 5.48 Collaborate and partner with private, public, and nonprofit organizations and tribes to adopt and maintain an inventory of natural systems in the planning area, document restoration projects, and develop strategies to address natural resource issues including but not limited to hydrology, climate change, changes in regional geography, wildlife and habitat conservation, restoration and enhancement, and educational programs.**

**Policy 5.49 Coordinate with federal and state agencies, including National Oceanic and Atmospheric Administration Fisheries Division (NOAA Fisheries) to develop design standards that protect salmon habitat and fish passage within and along the Multnomah Channel and its tributaries and ensure compliance with the Endangered Species Act (ESA).**

**Policy 5.50 Multnomah County should work collaboratively with the Sauvie Island Drainage Improvement Company, state and federal agencies, and non-profit organizations to maintain the drainage and flood control functions provided by the Company while restoring natural systems where appropriate.**

	<p><b>Policy 5.51 Recognize and celebrate the heritage value of the natural resources of Sauvie Island to Native American tribes, including historic wetlands, riparian areas, water bodies, and oak uplands. Encourage and support the protection and restoration of these resources.</b></p> <p><b>Policy 5.52 Continue to explore and encourage opportunities to conduct selected dredging to increase depth, flows, flushing, and circulation action in Sturgeon Lake in coordination with partner agencies and organizations. Support the dredging and reconstruction of the Dairy Creek Channel between the Columbia River and Sturgeon Lake to allow it to remain open for 8-10 months of each year, and contribute to the cost of replacing two failed culverts where Reeder Road crosses Dairy Creek.</b></p> <p><b>Policy 5.53 Recommend that any fill generated as a result of dredging activities be located on Sauvie Island only under the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. To assist in flood control</b></li> <li><b>2. Not on designated wetlands</b></li> <li><b>3. Not on high value farm land unless placement of such fill improves a farm’s soils or productivity</b></li> <li><b>4. In areas where it will not negatively impact wildlife habitat.</b></li> </ol> <p><b>5.54 To implement Policy 5.17 of this Plan, implement the following strategy.</b></p> <p><i>Strategy 5.54-1: In addition to safe harbor protection program criteria, apply the Significant Environmental Concern overlay (SEC-w) to significant wetlands located on Sauvie Island and Multnomah Channel as required by the Wetlands Inventory/ESEE analysis conducted in 1988 and as adopted by Ordinance 801 or as revised by any subsequent ESEE analysis.</i></p> <p><b>Staff:</b> Policies 5.48 through 5.54 are applicable to the Sauvie Island / Multnomah Channel Planning Area and do not apply to this proposal. <i>These policies are not applicable.</i></p>
11.81	<b>Chapter 6 – Historic and Cultural Resources</b>
11.82	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal: To protect cultural resources and conserve and restore historic resources.</b></p> <p><b>Policies and Strategies Applicable County-wide</b></p> <p><b>Historic Resources</b></p> <p><b>The following policies and strategies direct the County to continue to recognize significant historic resources and to implement strategies to protect them, including the adaptive reuse</b></p>

of historic structures where such reuse can increase the ability of properties to maintain their condition and historic value.

**Policy 6.1** Recognize significant historic resources and apply appropriate historic preservation measures to all designated historic sites.

*Strategy 6.1-1: Maintain an inventory of significant historic resources which meet the historical site criteria:*

- 1) *Historical Significance - Property is associated with significant past events, personages, trends or values, and has the capacity to evoke one or more of the dominant themes of national or local history.*
- 2) *Architectural Significance (Rarity of Type and/or Style) - Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the County. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.*
- 3) *Environmental Considerations - Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.*
- 4) *Physical Integrity - Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.*
- 5) *Symbolic Value - Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.*
- 6) *Chronology - Property was developed early in the relative scale of local history or was an early expression of type/style.*

*Strategy 6.1-2: Use the National Register of Historic Places, the Oregon Historic Sites Database and local historical society databases in compiling an inventory of historic resources.*

*Strategy 6.1-3: Develop and maintain a historical preservation program for Multnomah County which includes:*

- 1) *A review of, and compliance with, the laws related to historic preservation.*
- 2) *Ongoing identification and inventory of significant sites, working with area citizens groups, local historical societies, the Oregon Historical Society, the State Historic Preservation Office, the Oregon Natural History Museum and other historic and archeological associations.*

- 3) *Developing a handbook on historic preservation to assist County staff, area citizen groups, land owners, and developers in understanding and using applicable federal and state programs.*
- 4) *Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.*
- 5) *Encouraging the installation of appropriate plaques or markers on identified sites and structures.*

**Strategy 6.1-4: The Zoning Code should:**

- 1) *Amend the Historic Preservation overlay district to include a process for the owner of a historic resource to obtain a historic landmark designation.*
- 2) *Amend the Historic Preservation overlay district to provide opportunities for owners of historic landmarks to preserve and maintain the resource by allowing as conditional uses, where possible, a use which can be shown to contribute to the preservation and reuse of the historic landmark.*
- 3) *Provide for a 120-day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of a historic landmark. During this period, a review of the land use permit application to demolish or substantially alter, including the impacts and possible means to offset the impacts, would be undertaken.*

**Applicant:** *“The subject property is not a significant historic resource or designated historic site. This policy does not apply or is otherwise met.”*

**Staff:** *The policy directs the County to identify and protect cultural and historical resources and is not directly applicable to this proposal. The policy is not applicable.*

11.83

**Cultural and Archeological Resources**

**The following policies and strategies direct the County to continue to assist in protecting archeological and cultural resources through coordination with state agencies (SHPO) and Native American tribes, including through requirements to document, investigate, and protect resources identified during development processes or other land use activities.**

**Policy 6.2 Protect cultural areas and archeological resources and prevent conflicting uses from disrupting the educational and scientific value of known sites.**

	<p><i>Strategy 6.2-1: Maintain information on file regarding the location of known archeological sites, to the extent permissible by law. Although not made available to the general public, this information will be used to ensure the sites are not degraded through incompatible land use actions.</i></p> <p><i>Strategy 6.2-2: Coordinate with the State Historic Preservation Office regarding the identification and recognition of significant archeological resources.</i></p> <p><i>Strategy 6.2-3: Encourage landowners to notify state authorities upon discovering artifacts or other evidence of past cultures on their property.</i></p> <p><b>Policy 6.3</b> Coordinate with Native American tribes and the Oregon State Historic Preservation Office (SHPO) to adopt a program to inventory, recover, and protect archaeological and cultural resources and prevent conflicting uses from disrupting the scientific value of known sites. Adopt a process that includes timely notice to tribes and SHPO of applications that could impact cultural resource sites, and develop standards to evaluate comments received from the tribes and SHPO.</p> <p><b>Policy 6.4</b> Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.</p> <p><b>Policy 6.5</b> Where development is proposed on areas of cultural significance, require evaluation of alternative sites or designs that reduce or eliminate impacts to the resource.</p> <p><b>Applicant:</b> <i>“There are no known cultural areas or archaeologically significant findings on the subject property. The landscape is largely disturbed by land management and forestry practices. However, in furtherance of this policy and Metro’s respect of Native American cultural, Metro intends on requiring all development activities to abide by an inadvertent discovery plan which requires contractors to follow protocols and take specific action in response to any discovery or potential discovery of cultural or archaeological resources or human remains. Additionally, the project plans for Burlington Creek Forest were sent by the state to SHPO, who expressed no concerns. This policy is met.”</i></p> <p><b>Staff:</b> Condition B.1 requires ground disturbing activities to immediately cease if any archeological artifacts and/or human remains are found on-site during the project. <i>As conditioned, the proposal conforms to this policy.</i></p>
11.84	<b>Chapter 7 – Natural Hazards</b>
11.85	<p><b>GOAL, POLICIES AND STRATEGIES</b></p> <p><b>Goal:</b> To reduce impacts to people, property, structures, and natural resources from natural hazards such as erosion, flooding, landslides, earthquakes and wildfires.</p> <p><b>Policies and Strategies</b> Applicable County-wide</p>

The policies in this section focus on assessing the risks from and avoiding or mitigating damage to people, property, and natural resources from potential natural hazards from a land use planning perspective. Additional actions related to County facilities and emergency management planning and actions are found in the County's adopted Hazards Mitigation Plan.

#### Areas Susceptible to Landslide

**Policy 7.1** Direct development and landform alterations away from areas with development limitations related to potential hazards associated with steep slopes (over 25%) and other areas shown to be potentially susceptible to landslides or their impacts based on available County and state data associated with these hazards. Allow for exceptions based upon a showing that design and construction techniques can prevent or mitigate public harm or associated public cost and prevent or mitigate adverse effects to nearby properties.

*Strategy 7.1-1: Update the County's regulatory slope hazard map, as needed, to more accurately reflect the location of steep slopes and areas potentially susceptible to landslide hazards.*

*Strategy 7.1-2: Evaluate and revise the Hillside Development and Erosion Control Overlay zone, as needed, to implement up-to-date regulatory approaches for addressing landslide hazards.*

**Policy 7.2** Protect lands having slopes greater than 25% and lesser slopes shown to be potentially susceptible to landslides from inappropriate development or slope alteration. Consider possible adverse effects on nearby homes and public and private infrastructure.

*Strategy 7.2-1: Designate lands with slope greater than 25% and lesser slopes determined to be potentially susceptible to landslides as having development limitations and apply appropriate standards to new development on these designated lands. Slope alteration and site disturbance shall be minimized and measures taken to stabilize slopes, minimize erosion, and replant areas where vegetative cover will be removed.*

*Strategy 7.2-2: Investigate the advisability of requiring property owners to record landslide-related limitations as deed restrictions.*

**Applicant:** "The subject four forests include areas of steep slopes and some evidence of historical slumping, however, most of the historical landslide activity is documented north of Cornelius Pass Road. Landslide risks are minimized through application of the County's Hillside Development (HD) overlay zone and code provisions. The HD zone includes a number of requirements related to the assessment and documentation of risk and restrictions on development where slopes exceed 25%. Property owners may be required to obtain a report and recommendations from a geotechnical professional, documenting the risks associated with potential landslides and measures that can be taken to mitigate those risks. Metro has undertaken that effort with respect to its planned Burlington Creek Forest visitor improvements. See Exhibit 4 [Exhibit A.4.11]. All future parking lot and trail construction activities will require a Grading and Erosion Control permit and satisfaction of all applicable standards intended to minimize risks and potential damage associated

	<p><i>with steeper slopes. The recommendations of the Geotechnical Engineer will be followed. The Geotechnical Engineer concluded that the areas proposed for parking and trail improvements are topographically suitable for the proposed uses. These policies are and will be met.”</i></p> <p><b>Staff:</b> Policies 7.1 and 7.2 direct the county to develop and implement a program to address risk mitigation related to development on and near landslides and steep slopes. The Hillside Development overlay and related standards requires new development within identified risk areas to meet the Hillside Development standards. These policies are not directly applicable to the proposal to designate a public park. The Hillside Development permit for development in the Burlington Creek forest is addressed in Section 6.00 of this report.</p>
<p><b>11.86</b></p>	<p><b>Earthquake Hazards</b></p> <p><b>Policy 7.3</b> Direct development away from areas with hazards associated with potential liquefaction resulting from major earthquakes.</p> <p><i>Strategy 7.3-1: Determine the types of uses or improvements and the extent to which they should be restricted within areas subject to liquefaction.</i></p> <p><b>Policy 7.4</b> Protect against seismic hazards to structures and ground areas susceptible to earthquake damage.</p> <p><i>Strategy 7.4-1: Encourage and promote appropriate building code revisions for areas of greatest seismic hazard, when information on the location of such areas becomes available.</i></p> <p><b>Applicant:</b> “Although the entire regional area is at risk from an earthquake, the subject properties are at a low risk of liquefaction. Additionally, only limited ground level uses are contemplated in the Master Plan. These policies are met.”</p> <p><b>Staff:</b> Staff concurs and adopts Metro’s proposed finding.</p>
<p><b>11.87</b></p>	<p><b>Flooding</b></p> <p><b>Policy 7.5</b> Regulate flood management areas in order to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.</p> <p><i>Strategy 7.5-1: For areas of Multnomah County within Metro’s jurisdictional boundary, establish standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to Title 3 of the Metro Urban Growth Management Functional Plan.</i></p>

**Policy 7.6 Reduce potential hazards related to flooding and channel migration through the following strategies:**

*Strategy 7.6-1: Limit the types of land uses allowed in floodways, floodplains, and channel migration areas to minimize public harm or associated public cost due to flooding.*

*Strategy 7.6-2: Establish development standards for development in flood prone areas to mitigate potential adverse effects to surrounding properties and to maintain or increase flood storage and conveyance capacity; periodically update standards based on best practices for minimizing damage and risks from flooding.*

*Strategy 7.6-3: Meet minimum requirements to be eligible to participate in the National Flood Insurance program.*

*Strategy 7.6-4: Update mapping of floodways and floodplains based on established channel migration data from state or federal agencies or other sources, as needed or as initiated by the County.*

**Applicant:** “The subject property and application do not include flood hazard property. These policies are not applicable.”

**Staff:** Policies 7.5 and 7.6 direct the County to develop and implement a flood hazard protection program. These policies are not directly applicable to the proposal to designate a public park. Condition A.6 requires the applicant to obtain a Flood Hazard Permit for all new stream crossings.

**11.88**

**Wildfire Risks**

**Policy 7.7 Require development in areas prone to wildfire risks to meet fire safety and mitigation standards.**

*Strategy 7.7-1: Use current mapping data related to wildfire risk in determining the location of fire prone areas, supplemented by on- site assessments, if needed.*

*Strategy 7.7-2: To reduce wildfire risk and associated impacts while protecting wildlife habitat, expand requirements to areas identified as prone to wildfires but not currently subject to regulations after revising standards to better ensure wildlife habitat compatibility. Weigh and balance wildlife habitat needs with effective wildfire risk reduction.*

*Strategy 7.7-3: Ensure that agencies responsible for fire protection are provided an opportunity to comment on development applications prior to approval of the application.*

	<p><b>Applicant:</b> “Most of the property which is the subject of the Master Plan is outside of the area identified on the communities at risk of wildfire map. However, the West Hills community would be impacted by any wildfire on public or private land within the mountain range.</p> <p>As such, Metro’s restoration work and long-term management strategy include identifying and reducing fire risks where possible. Forest management actions include promoting old-growth conditions, significant thinning and removing fuels, all of which mitigate fire risks. Also, an Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies. If development is proposed as contemplated in the Master Plan, applicant will be required to demonstrate compliance with fire setbacks and other mitigation standards. At the time of the development proposal, additional participation from affected firefighting agencies will be solicited and obtained. This policy is met.”</p> <p><b>Staff:</b> Condition C.3 requires the applicant to meet the fire safety zone requirements around the proposed restroom and kiosk structures and requires the closing of trails during periods of high fire danger.</p>
11.89	<p><b>Sauvie Island and Multnomah Channel Policies and Strategies</b></p> <p><b>Policy 7.8 Coordinate with the Sauvie Island Rural Fire Protections District (RFPD) on emergency/disaster preparedness planning and evacuation plans for Sauvie Island residents.</b></p> <p><b>Staff:</b> Policy 7.8 is specific to the Sauvie Island / Multnomah Channel Planning Area and is not applicable to this proposal. <i>This policy is not applicable.</i></p>
11.90	<p><b>Chapter 8 – Parks and Recreation</b></p>
11.91	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal: To help meet the recreational needs of Multnomah County rural residents and visitors to its rural areas through support of, and coordination with local, regional, state, and federal agencies that manage recreation facilities and sites within the County.</b></p> <p><b>Policies and Strategies Applicable County-wide</b></p> <p><b>The policies in this section focus on coordination with other agencies in planning for and providing recreational facilities and services and with balancing recreational needs with goals for natural resource protection. Additional related policies are found in Chapter 5 of this plan and in the County’s Transportation System Plan (referenced in Chapter 12).</b></p> <p><b>Parks and Recreation Planning</b></p> <p><b>Policy 8.1 Support efforts of the Intertwine Alliance, Metro, and other organizations in establishing a coordinated approach to create and maintain a strong, interconnected regional network of parks, trails, and natural areas.</b></p> <p><b>Policy 8.2 Encourage the development of recreation opportunities by public agencies and private entities consistent with wildlife habitat and wildlife corridor protection.</b></p>

**Policy 8.3** Coordinate with other agencies in strategically siting new public recreational facilities to take advantage of existing infrastructure that allow for multi-modal access opportunities and shared parking. An example would be joint use of park and school facilities by locating them adjacent, or close, to each other.

*Strategy 8.3-1: Include provisions in the Zoning Code for privately owned and operated recreational facilities as conditional uses in appropriate zones.*

**Policy 8.4** Ensure that the residents of areas outside of the urban growth boundary are represented on parks and open space issues.

*Strategy 8.4-1: Encourage Metro to appoint residents representing different rural areas of Multnomah County to Metro's parks and greenspaces citizens' advisory boards.*

**Policy 8.5** Consider the impacts of proposed recreation facilities on nearby private properties and require applicants to avoid and minimize significant adverse impacts to nearby properties.

**Applicant:** *"Multnomah County does not own or manage any parks or recreational facilities. The County relies on a variety of other private organizations, local, regional, state, and federal agencies, including Metro, to provide for a wide range of natural areas, parks, and recreational activities to serve County residents.*

*Metro is a regional government agency serving Multnomah County residents and the greater Portland area. Metro, as a parks service provider, has its roots in Multnomah County and the County's park system. In 1995, Metro assumed ownership and operation of a number of park and recreational facilities previously owned and operated by the County, including Oxbow Regional Park, Blue Lake Regional Park, Glendoveer Golf Course and Fitness Trail, Howell Territorial Park, Gleason Memorial Boat Ramp, Broughton Beach, Chinook Marine Facility, historic cemeteries, and a number of other facilities. Metro also owns and manages a number of natural areas and nature preserves in Multnomah County which are managed to protect water quality, promote fish and wildlife habitat, and provide access to nature. Metro's facilities provide a diverse range of outdoor recreational opportunities and experiences, including boating, hiking, bicycling, horseback riding, wildlife viewing and education, and general scenic and recreational access.*

*Today, Metro Parks and Nature protects water quality, fish and wildlife habitat and creates opportunities to enjoy nature close to home through a connected system of parks, trails and natural areas. Connecting with nature provides physical, mental, spiritual, and economic benefits for the County's residents.*

*In 2013, voters approved a five-year levy to help care for regional parks and natural areas. As a result, Metro is restoring habitat, and expanding opportunities to experience and learn about nature throughout Multnomah County. Roughly half of all levy funds go toward land restoration and management, including controlling invasive plants, planting native species, and improving*

*habitat for fish and wildlife. The remainder of the levy pays for park maintenance and improvements, volunteer programs, conservation education, community grants and natural area improvements for visitors. The 2013 levy specifically identified sites in the North Tualatin Mountains as opportunities to provide access to nature.*

*Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region's water quality; and provide trail connections between the region's largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.*

*The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. See Exhibit 2 [Exhibit A.4.9]. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.*

*Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities. Metro scientists then worked with Metro's planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case. The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. Metro received hundreds of comments, ranging from wanting to keep all four sites completely closed to public access, to wanting extensive trails and other improvements across all four sites.*

*The plan establishes project goals and objectives, outlines site resources and conditions, and summarizes the planning process. Employing principles of landscape ecology and landscape-level design strategies, the plan identifies access locations and approximate trail locations. It also presents a general plan for development of trailheads and strategies for implementing future development.*

*The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for connections between Forest Park and the Coast Range. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. To do so, the plan:*

- Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- Integrates landscape-level analysis and community desires into decision-making;*

- *Identifies and accesses the best location for day use and trail heads;*
- *Utilizes existing road and trails and locates new trails where habitat is already fragmented while minimizing new fragmentation;*
- *Employs sustainable trail construction techniques;*
- *Provides safe ingress and egress and internal movement of vehicles and pedestrians;*
- *Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports; and*
- *Requires continuing monitoring of water quality and habitat impacts and the flexibility to make adjustments if needed.*

*Metro envisions visitor improvements at two of the four sites: initially at Burlington Creek Forest and subsequently, and minimally, at McCarthy Creek Forest. The location and extent of envisioned improvements were dictated by site conditions, including existing roads, trails, use and sensitive areas, as well as site limitations, including fairly steep topography and forested hillsides, which are typical of the surrounding landscape. Ennis Creek Forest and North Abbey Creek Forest will remain natural areas, with the exception of the future Pacific Greenway Trail envisioned through Ennis Creek Forest.*

*All four sites are significantly altered and damaged by prior land management activities. Site stabilization and restoration work at all four sites have already begun in earnest. Activities include invasive weed control, thinning, planting native plants and trees, erosion control, road maintenance (including decommissioning), and stream improvements. The land management activities also reduce long-term fuel and wildfire risk and make the forest more resistant to disease. Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon to support this and future work.*

*Metro's restoration work and long-term management strategy includes identifying and reducing fire risks where possible. An Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Incident Action Plans are developed prior to implementing formal public access. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.*

*Site rehabilitation and management is pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aims to protect and enhance the North Tualatin Mountain's natural and scenic resources and to create a place for wildlife to thrive. See Exhibit 3 [Exhibit A.4.10]. Metro is committed to engaging in sustainable forestry practices, including restoring old-growth habitat, increasing the biodiversity of forests through selective harvesting, management and plantings, preserving connectivity, supporting wildlife, and protecting clean water. Unneeded roads will be decommissioned.*

*In planning for access, five potential entry locations (at least one at each of the four forests) were evaluated to understand the feasibility of providing safe ingress and egress. While the five locations were all determined to be feasible, the location, site conditions, conservation goals, and the varying degree of improvements needed to provide safe and sufficient access dictated which access opportunities were most appropriate. Other specific considerations given were trail construction feasibility, environmental considerations, stakeholder and community input, and the access objective, providing opportunities for meaningful experiences of nature. Knowing that people*

	<p><i>experience and connect with nature in many different ways, Metro sought to provide welcoming entries; provide a system of trails that serve appropriate multiple uses and trail users of differing abilities; provide access to viewpoints and key natural features; promote visitor safety; and reduce and mitigate potential impacts on the surrounding community; among others. The two plus year planning and public review process resulted in the preferred alternative represented in the Master Plan.</i></p> <p><i>Additionally, during the pre-application conference, concerns were raised that the amount of parking represented in the Master Plan for the planned visitor access improvements at Burlington Creek Forest (15-20 spaces) were not sufficient. In response to those concerns, Metro has redesigned the parking lot planned for Burlington to include 25 spaces. As demonstrated by the Traffic Impact report, that number of spaces is sufficient to accommodate anticipated usage. See Exhibit 5 [Exhibit A.4.12].</i></p> <p><i>Implementing the Master Plan will nurture healthy forests and streams and create healthy habitat for a variety of native and sensitive animals, while providing meaningful experiences in nature for area and County residents.</i></p> <p><i>The North Tualatin Mountains is just the type of place voters of Multnomah County had in mind when they invested in protecting natural resources and acquiring land for future parks and visitor access.</i></p> <p><i>By supporting Metro’s Master Plan, the County will be promoting policies 8.1, 8.2, 8.3, 8.4, and 8.5.”</i></p> <p><b>Staff:</b> Staff concurs and adopts the applicant’s proposed finding. The application for a nature park and recreational trails directly supports the Comprehensive Plan recreation goal and policies 8.1 through 8.5 because Metro is a regional parks provider that has developed a park master plan for the North Tualatin Mountains in consultation with community members, public agencies, and subject matter experts. <i>The proposal conforms to policies 8.1 through 8.5.</i></p>
<p><b>11.92</b></p>	<p><b>Development Requirements</b></p> <p><b>Policy 8.6     Require areas for bicycle parking facilities in development proposals where appropriate.</b></p> <p><b>Applicant:</b> <i>“The Master Plan contemplates providing bicycle parking facilities at the planned access locations. This policy is met.”</i></p> <p><b>Staff:</b> Policy 8.6 requires the provision of bicycle parking where appropriate. It is reasonable to expect that visitors may need to periodically secure their bicycles near in the parking area near the restroom, because the Burlington Creek Forest recreational trails will serve bicyclists. Condition B.4 requires the applicant to provide bicycle parking on the final design review plan in consultation with the Multnomah County Bicycle and Pedestrian committee. <i>As conditioned, the proposal conforms with the policy.</i></p>
<p><b>11.93</b></p>	<p><b>West Hills Policies and Strategies</b></p> <p><b>Policy 8.7     Support the natural systems and recreational values of Forest Park and adjacent areas in concert with the City of Portland, Metro, and other agencies.</b></p>

***Strategy 8.7-1: Promote and provide incentives for voluntary use of conservation easements and habitat protection by property owners.***

**8.8 Support only those recreational activities within the West Hills area that are consistent with, and do not cause significant negative impacts on, natural and environmental resources that are identified in Goal 5.**

**Applicant:** *“Metro Parks and Nature protects water quality, fish and wildlife habitat and creates opportunities to enjoy nature close to home through a connected system of parks, trails and natural areas. Connecting with nature provides physical, mental, and spiritual benefits for the County’s residents.*

*Metro acquired property in the North Tualatin Mountains in order to: Keep important wildlife and riparian corridors intact; protect upland habitat and headwater areas important to preserving the region’s water quality; and provide trail connections between the region’s largest urban park and public lands in the Oregon Coast Range. Burlington Creek Forest was slated to become housing prior to its acquisition.*

*The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. See Exhibit 2 [Exhibit A.4.9]. The plan was developed by land and property managers, landscape architects, scientists, planners, naturalists, project stakeholders, and community participants.*

*Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, and research. External experts also evaluated possible impacts of potential access opportunities. Metro scientists then worked with Metro’s planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective was to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site. That objective is achieved in this case. The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors. Metro received hundreds of comments, ranging from wanting to keep all four sites completely closed to public access, to wanting extensive trails and other improvements across all four sites.*

*The plan establishes project goals and objectives, outlines site resources and conditions, and summarizes the planning process. Employing principles of landscape ecology and landscape-level design strategies, the plan identifies access locations and approximate trail locations. It also presents a general plan for development of trailheads and strategies for implementing future development.*

*The Master Plan represents a balance, with the top priority to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on*

*for connections between Forest Park and the Coast Range. Thereafter, access is envisioned in a way that ensures healthy habitats and meaningful experiences in nature. To do so, the plan:*

- Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;*
- Integrates landscape-level analysis and community desires into decision-making;*
- Identifies and accesses the best location for day use and trail heads;*
- Utilizes existing road and trails and locates new trails where habitat is already fragmented while minimizing new fragmentation;*
- Employs sustainable trail construction techniques;*
- Provides safe ingress and egress and internal movement of vehicles and pedestrians;*
- Is designed consistent with the surrounding landscape and uses and in a scale and character that the community supports; and*
- Requires continuing monitoring of water quality and habitat impacts and the flexibility to make adjustments if needed.*

*Metro envisions visitor improvements at two of the four sites: initially at Burlington Creek Forest and subsequently, and minimally, at McCarthy Creek Forest. The location and extent of envisioned improvements was dictated by site conditions, including existing roads, trails, usage and sensitive areas, as well as site limitations, including fairly steep topography and forested hillsides, which are typical of the surrounding landscape. Ennis Creek Forest and North Abbey Creek Forest will remain natural areas, with the exception of the future Pacific Greenway Trail envisioned through Ennis Creek Forest.*

*All four sites are significantly altered and damaged by prior land management activities. Site stabilization and restoration work at all four sites has already begun in earnest. Activities include invasive weed control, thinning, planting native plants and trees, erosion control, road maintenance (including decommissioning), and stream improvements. The land management activities also reduce long-term fuel and wildfire risk and make the forest more resistant to disease. Metro has working partnerships with West Multnomah Soil and Water Conservation District, City of Portland, Forest Park Conservancy, Trout Mountain Forestry and Portland Audubon to support this and future work.*

*Metro's restoration work and long-term management strategy includes identifying and reducing fire risks where possible. An Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Incident Action Plans are developed prior to implementing formal public access. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.*

*Site rehabilitation and management is pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aims to protect and enhance the North Tualatin Mountain's natural and scenic resources and to create a place for wildlife to thrive. See Exhibit 3 [Exhibit A.4.10]. Metro is committed to engaging in sustainable forestry practices, including restoring old-growth habitat, increasing the biodiversity of forests through selective harvesting, management and plantings, preserving connectivity, supporting wildlife, and protecting clean water. Unneeded roads will be decommissioned.*

*In planning for access, five potential entry locations (at least one at each of the four forests) were evaluated to understand the feasibility of providing safe ingress and egress. While the five locations were all determined to be feasible, the location, site conditions, conservations goals, and the varying degree of improvements needed to provide safe and sufficient access dictated which access opportunities were most appropriate. Other specific considerations given were trail construction feasibility, environmental considerations, stakeholder and community input, and the access*

	<p><i>objective, providing opportunities for meaningful experiences of nature. Knowing that people experience and connect with nature in many different ways, Metro sought to provide welcoming entries; provide a system of trails that serve appropriate multiple uses and trail users of differing abilities; provide access to viewpoints and key natural features; promote visitor safety; and reduce and mitigate potential impacts on the surrounding community; among others.</i></p> <p><i>The two-plus year planning and public review process resulted in the preferred alternative represented in the Master Plan.</i></p> <p><i>Implementing the Master Plan will nurture healthy forests and streams and create healthy habitat for a variety of native and sensitive animals, while providing meaningful experiences in nature for area and County residents.</i></p> <p><i>The North Tualatin Mountains is just the type of place voters of Multnomah County had in mind when they invested in protecting natural resources and acquiring land for future parks and visitor access.</i></p> <p><i>As stated in the comprehensive plan, a variety of local, state, and regional plans and policies are relevant to planning for parks and recreation in Multnomah County.</i></p> <p><i>At page 8-7, the Comprehensive Plan provides: “Individual park or recreation facility plans, such as those for Oxbow Park, Columbia River Gorge facilities, Howell Territorial Park and others guide activities at those sites.” As such, the County’s Comprehensive Plan specifically contemplates park facility plans and entrusts park providers, such as Metro, in that effort.</i></p> <p><i>This application is an effort to include the park and recreation facility Master Plan for the North Tualatin Mountains within the County’s Comprehensive Plan to guide activities at those sites. Metro’s master plan supports the natural systems and recreational values of Forest Park and adjacent areas. It protects 1,300 areas for wildlife habitat and water quality, preserving an important habitat connection between Forest Park and protected public lands in the coast range. Proposed recreation opportunities including; hiking, off-road cycling, horseback riding, wildlife viewing and nature education, build on the opportunities available within Forest Park. While Metro acknowledges that any trail development affects wildlife and water quality at a site, we are of the opinion, based on our experience as a natural area land manager, that affects will be modest. Metro has had a leading role in habitat protection and restoration in the region and has taken the minimal footprint approach on the four North Tualatin Mountain sites as a whole. By supporting Metro’s Master Plan, the County will be promoting policies 8.7 and 8.8.”</i></p> <p><b>Staff:</b> Metro’s North Tualatin Mountains Access Master Plan is supportive of policies 8.7 and 8.8. Specifically, the plan identifies “suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.”, and was developed in consultation with Portland Parks &amp; Recreation. Further, the plan provides for the protection and enhancement of habitat and balances recreational goals with resource protection goals. <i>The proposal conforms to the intent of these policies.</i></p>
<p><b>11.94</b></p>	<p><b>Sauvie Island and Multnomah Channel Policies and Strategies</b></p> <p><b>Policy 8.9 Continue to coordinate with Metro to ensure compliance with Rural Reserve designations, implementation of Metro’s 2016 System Plan, and planning for Howell Park. In particular, work with Metro to:</b></p> <p><b>1. Ensure activities will complement natural and environmental resources of local and regional significance; and</b></p>

	<p><b>2. Ensure that Howell Territorial Park uses and improvements maintain harmony with the rural character of the plan area as well as natural and cultural resources.</b></p> <p><b>Policy 8.10 Support only those recreational activities within the SIMC area that are complementary to and do not negatively impact natural and environmental resources on Sauvie Island and along the Multnomah Channel and its tributaries that are identified in Goal 5.</b></p> <p><b>West of Sandy Policies and Strategies</b></p> <p><b>Policy 8.11 Support upgrades and improvements to Oxbow Park consistent with the character of the surrounding area.</b></p> <p><i>Strategy 8.11-1: Work with Metro to develop a park zoning district for Oxbow Park.</i></p> <p><b>East of Sandy Policies and Strategies</b></p> <p><b>Policy 8.12 Maintain and enhance the recreational value of the Sandy River and Columbia River and adjacent areas in concert with the Columbia River Gorge Commission, Metro, Oregon Parks and Recreation Department, US Forest Service, and other agencies.</b></p> <p><i>Strategy 8.12-1: Implement this policy through the existing National Scenic Area and Significant Environmental Concern provisions within the Multnomah County Zoning Code, and participate in other agency plans such a future National Scenic Area Management Plan update and Metro’s Oxbow Park Master Plan.</i></p> <p><b>Staff:</b> Policies 8.9 through 8.12 are applicable to in the Sauvie Island / Multnomah Channel Rural Planning Area only. <i>These policies are not applicable.</i></p>
11.95	<b>Chapter 9 – Rural Economy</b>
11.96	<p><b>Goal: To support the rural economy of the County, including farm and forest production, as well as commercial, industrial, office, and retail activities; to do so consistent with available infrastructure and resources, in compatibility with other land uses, and in compliance with state and local goals and laws.</b></p> <p><b>Policies and Strategies Applicable County-wide</b></p> <p><b>The policies in this section focus on broad support for economic activity within the County, as well as for agriculture and forestry operations, economic activity within rural centers or other areas allowing commercial, office, or industrial uses, and for home occupations.</b></p> <p><b>Policy 9.1 Prioritize and encourage economic development investments and projects that are consistent with the Comprehensive Plan.</b></p>

**Policy 9.2 Encourage the retention and creation of employment opportunities and economic development projects that require a skilled work force and generate family wage jobs, and that meet the needs of business, industry, and the community.**

**Policy 9.3 Direct economic development public expenditures and capital improvements projects into designated rural centers which support the timely, orderly, and efficient growth and development of these centers.**

**Policy 9.4 Support economic development investments and land use actions which will:**

- 1. Promote agriculture and timber production as economic drivers;**
- 2. Maximize the use of developable sites zoned for commercial and industrial uses;**
- 3. Recognize the importance of home occupations as a valid employment option for County residents.**

**Policy 9.5 Actively support community-based economic revitalization and development efforts which create employment opportunities, generate business investment capital, and improve the attractiveness and marketability of commercial and industrial sites.**

**Policy 9.6 Encourage agricultural and timber processing industries which will improve the economic viability of farm and forest production within the County. The location of these processing facilities must be carefully balanced with the protection of agricultural and timber production outside the urban growth boundaries.**

**Policy 9.7 Recognize the importance of the region's river, rail, and road systems to the local and state economy by encouraging the continued maintenance of the river navigation system, rail lines, and highway and maintaining access to shipping channels in support of the movement of goods. Maintenance of the river navigation system includes maintenance of structures such as navigation aids, river gages and mooring buoys, as well as maintaining channel depth.**

**Policy 9.8 Allow for home occupations wherever dwellings are permitted in order to assist in developing new business opportunities and to increase convenience to residents, while considering and minimizing impacts on adjacent land uses.**

**Applicant:** *“This chapter is intended to help the County plan for and support economic activity and development. While this chapter is not directly applicable in considering the subject text amendment, the recreational amenities that are represented in the master plan will bring visitors to this area of Multnomah County and support the rural economy through service and retail industry*

	<p><i>purchases and very likely by supporting local farms stands and other farm uses. Forest Park is already a significant draw for recreational tourism in Multnomah County. Recreational opportunities at the North Tualatin Mountains will build on that success.”</i></p> <p><b>Staff:</b> The proposed park may provide some benefit to local rural businesses, however any such benefit is likely negligible due to the general lack of commercial business in the immediate vicinity of the proposed nature park. <i>Staff finds the proposal aligns with the intent of this goal, to the extent the goal is relevant to the proposal.</i></p>
11.97	<p><b>Chapter 10 – Housing</b></p>
11.98	<p><b>Goal: To support housing opportunities for rural County residents (including lawfully authorized marinas and moorages and floating residential units), while meeting health and safety concerns, minimizing environmental and resource land impacts, and complying with state land use requirements.</b></p> <p><b>Policies and Strategies Applicable County-wide</b> The policies in this section focus on general housing issues and needs, with an emphasis on helping to meet certain types of housing needs in the rural areas of the County. Other policies are associated with marinas, moorages, and floating homes in the Sauvie Island/Multnomah Channel area.</p> <p><b>Policy 10.1 Encourage the provision of housing affordable to residents of all incomes and household types.</b></p> <p><b>Policy 10.2 Maintain a non-exclusionary housing policy.</b></p> <p><b>Policy 10.3 Support efforts to conserve existing housing stock, particularly housing that is affordable to community members with low and moderate incomes.</b></p> <p><b>Policy 10.4 Accommodate innovative housing types which decrease development costs to improve housing affordability.</b></p> <p><b>Policy 10.5 Encourage innovative housing construction techniques which increase energy efficiency and reduce carbon emissions.</b></p> <p><b>Policy 10.6 Reevaluate regulations and, where possible, streamline or eliminate requirements to reduce development costs.</b></p> <p><b>Policy 10.7 Support the provision of housing for the elderly, including low maintenance, small units within existing communities.</b></p> <p><b>Policy 10.8 Support the provision of housing in sizes and styles which suit the needs of smaller households, including single adults and couples without children.</b></p> <p><b>Policy 10.9 Cooperate with the private sector to expand the supply of housing which is affordable to low and moderate income residents.</b></p> <p><i>Strategy 10.9-1: Work with the regional government to determine expected housing demand in the unincorporated County based upon demographic and housing trends, transportation improvements, and economic development in the region.</i></p>

*Strategy 10.9-2: Work with trade associations, community groups and other interested groups to reduce the cost of housing through the formulation of:*

- 1. Alternative road and improvement standards;*
- 2. Legislative amendments to the Oregon Specialty Codes;*
- 3. Expedient design review, building permit, and land division processes;*

**Policy 10.10 Allow for manufactured homes on individual lots where single family dwellings are allowed, consistent with state law, and provide site development standards for such dwellings.**

**Sauvie Island and Multnomah Channel Policies and Strategies**

**10.11 New floating residences shall only be located within the 17 approved marina and moorage facilities located within and along the Multnomah Channel subject to existing limits on the number of dwelling units approved at each facility. Existing marina and moorage facilities may be reconfigured within their respective DSL lease areas. No new floating homes will be approved beyond the existing approved number of dwelling units.**

- 1. Significant reconfigurations within existing marina and moorage facilities shall only occur through the Community Service and Conditional Use process subject to all applicable County zoning standards. A reconfiguration shall not create more than a single row of floating residential units.**
- 2. Coordinate with the National Oceanic and Atmospheric Administration Fisheries Division (NOAA Fisheries) to amend the Willamette River Greenway overlay zone to include objective design standards that protect salmon habitat and fish passage within and along the Multnomah Channel. Coordinate with the Oregon Department of State Lands (DSL) to ensure compliance with the Endangered Species Act (ESA) through its in-water leasing program.**
- 3. Adopt building, plumbing, electrical, and mechanical standards for floating structures.**
- 4. As directed by Portland's Bureau of Environmental Services and/or Oregon's Department of Environmental Quality, marina and moorage owners must provide for safe and easy collection and disposal of sewage from marine uses in Multnomah Channel.**
  - a. Require marinas and moorages with floating structures to meet state standards for sewage collection and disposal similar to those standards that apply to dwellings on land.**
  - b. Boat slips serving boats with onboard cooking and/ or sanitation facilities must be provided with an onsite mechanism for disposal of sewage, either through connections at each slip or through the availability of on-site alternative pump out facilities which are reasonably safe from accidental spillage.**
- 5. The number of floating homes, combos, and live-aboards at a marina or moorage facility shall not in combination exceed the number of floating residential units for which the facility has obtained County land use approval. Where the number of existing floating residential**

	<p>units at a marina or moorage facility exceeds the number of floating residential units that the County has approved at that marina or moorage on the effective date of the 2015 Sauvie Island/Multnomah Channel Rural Area Plan (October 3, 2015), then within one year following that date the marina or moorage owner shall provide the County with a plan to bring the facility into compliance over the coming years.</p> <p><b>Policy 10.12</b> Maintain a current inventory of all marinas and moorages. Include all dwellings, boat slips, floating structures, live-aboards and supporting infrastructure in the inventory. The County Transportation and Land Use Planning Department shall notify all moorage owners to submit the required inventory within 120 days of the effective date of the Sauvie Island/Multnomah Channel Rural Area Plan (October 3, 2015) and may require updates as needed.</p> <p><b>Policy 10.13</b> Review consistency of definitions of floating home, houseboats, boathouses, live-aboards, combos, etc. used by agencies such as the Multnomah County Assessor, the City of Portland, and the State when amending the Zoning Ordinance. Adopt a definition that includes all of these in some category (such as floating residential units) to which all policies apply.</p> <p><b>Policy 10.14</b> Allow live-aboards to be used as full time residences within a marina or moorage and count the live-aboard slip in the total number of residences approved for the marina or moorage. This live-aboard option requires Community Service (CS) approval and requires that boats meet health, safety, and environmental standards (i.e. electrical, water, and sanitation) for occupied boats docked in a marina or moorage.</p> <p><b>Policy 10.15</b> Consider standards to allow temporary use of live-aboard boats within marinas and moorages. This option requires that boats meet health, safety, and environmental standards (i.e. electrical, water, and sanitation) for occupied boats docked in a marina or moorage.</p> <p><b>Applicant:</b> <i>“This chapter is not applicable. Applicant’s Master Plan does not propose housing or affect the County’s housing policy.”</i></p> <p><b>Staff:</b> Staff concurs. The purpose of the park designation and related master plan is to set aside lands for the perseveration of habitat and recreational opportunities.</p>
<b>11.99</b>	<b>Chapter 11 – Public Facilities</b>
<b>11.100</b>	<p><b>GOAL, POLICIES, AND STRATEGIES</b></p> <p><b>Goal:</b> To coordinate and collaborate with service providers and affected agencies to ensure an appropriate level of public services to rural areas of the County, consistent with their rural character.</p> <p><b>Policies and Strategies Applicable County-wide</b></p> <p>The policies in this chapter focus on coordination with other service providers, minimizing and mitigating impacts of public facilities, regulating the siting and design of facilities, and ensuring that public facilities meet the needs of the rural areas of Multnomah County.</p> <p><b>General Policies and Strategies</b></p>

**Policy 11.1** Taking the following factors into consideration, plan and ensure a timely and efficient arrangement of public facilities and services to serve as a framework for appropriate levels of development of land within the County’s jurisdiction.

1. The health, safety, and general welfare of County residents;
2. The level of services required, based upon the needs and uses permitted in urban, rural, and natural resource areas;
3. Environmental, social, and economic impacts.

**Policy 11.2** Develop and implement public services and facilities plans and capital improvements programs that will result in the following:

1. Coordination of land use planning and provision of appropriate types and levels of public facilities.
2. Coordination of a full range of public facilities and services among all agencies responsible for providing them.
3. Provision of adequate facilities and services for existing uses.
4. Protection of natural resource and rural areas.

**Policy 11.3** Support the siting and development of public facilities and services appropriate to the needs of rural areas while avoiding adverse impacts on farm and forest practices, wildlife, and natural and environmental resources including views of important natural landscape features.

**Applicant:** *“As stated in the Comprehensive Plan, the policies in this chapter require coordination with service providers, minimizing and mitigating impacts on public facilities. Those objectives are ensured through the land use development process, which in Multnomah County requires service provider coordination and use proposals to go through conditional and design review for specified uses. Those code standards also require minimization and mitigation of impacts on uses in the zone. The chapter is intended to implement the requirements of Goal 11, which requires long range planning for public facilities (specifically sewer, water, and drainage facilities) needed to support intensive development, and prohibits certain public facilities in that area intended on serving urban uses from locating on rural/resource land. In short, this chapter seeks to prevent the urbanization of rural/resource lands.*

*In rural Multnomah County, this chapter and Goal 11 have limited application, as public facilities are not needed to support proposed uses as most (such as sewer/septic, water/well, and*

	<p><i>drainage/sheet flow) are accommodated on individual properties. The subject Master Plan does not plan for uses that require support from public facilities. All potential services needs are planned for on-site accommodation. For example, if water is desired, a well or water tank can be installed.</i></p> <p><i>With respect to agency coordination surrounding emergency and fire service provisions, the Master Plan represents that an Incident Action Plan is developed for each site that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions, and may close areas in very high fire conditions, may prevent certain activities, and will work with local fire prevention and suppression agencies.”</i></p> <p><b>Staff:</b> The applicant has provided service provider forms from the Multnomah County Sheriff’s office, Oregon Dept. of Forestry (fire), and the City of Portland sanitarian (Exhibit A.3.32), which all indicate the facility will be adequately served. <i>The proposal conforms to the intent of this policy.</i></p>
<p><b>11.101</b></p>	<p><b>Policy 11.4 Reduce Multnomah County’s long-term public works costs by eliminating marginal facilities and extending the life of others through timely maintenance and functional upgrading.</b></p> <p><b>Policy 11.5 Set and schedule capital improvements project expenditures based on an evaluation which includes the consideration of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. Public health, safety, and general welfare.</b></li> <li><b>2. County liabilities, assets, and resources.</b></li> <li><b>3. Existing service system maintenance and update costs.</b></li> <li><b>4. Minimization of costs due to coordination of scheduled public works projects.</b></li> <li><b>5. Private and public resources availability for financing and maintaining service system improvements.</b></li> <li><b>6. Conformance with the Comprehensive Plan.</b></li> <li><b>7. Time required to provide service and reliability of service.</b></li> <li><b>8. Equity in meeting the needs of low-income and minority populations.</b></li> </ol>

**Policy 11.6** Use capital improvements programming and budgeting to achieve levels of public facilities and services appropriate to rural areas.

**Policy 11.7** Coordinate plans for public services and facilities with plans for designation of urban boundaries, urbanizable land within the UGB, rural uses outside the UGB, and for the transition of rural to urban uses within UGB expansion areas.

**Policy 11.8** Identify needs and priorities for public works capital improvements in conjunction with the Comprehensive Plan.

**Policy 11.9** To achieve desired types and levels of public facilities and services, consider existing and new, creative methods and devices such as, but not limited to, the following:

1. Tax incentives and disincentives
2. Public and private grants
3. Land use controls and ordinances
4. Multiple use and joint development practices
5. Fee and less-than-fee acquisition techniques
6. User fees
7. Public/private partnerships

*Strategy 11.9-1: Seek grants and similar financial resources to fund capital improvements projects, where possible.*

*Strategy 11.9-2: Strive to achieve a long-term facilities plan and capital improvements program integrated with the cities and special service districts.*

**Policy 11.10** Except as otherwise provided by law, new electrical substations and water system storage tanks or reservoirs intended to solely serve uses within the urban growth boundary shall not be located outside the urban growth boundary unless it can be demonstrated that there is no practical alternative site within the urban growth boundary that can reasonably accommodate the use.

	<p><i>Strategy 11.10-1: Amend the County Zoning Code to require a finding that all reasonable alternatives to the location of the electrical substation or water system storage tank or reservoir have been explored and that all of the alternatives are impractical. The cause for an alternative to be impractical shall not be of the applicant’s own making and shall not be based solely on financial grounds.</i></p> <p><b>Applicant:</b> <i>“Policies 11.4-11.10 are directed at the County and not applicable.”</i></p> <p><b>Staff:</b> <i>These policies are related to County responsibilities with respect to County assets and are not applicable to this application. These policies are not applicable.</i></p>
<p><b>11.102</b></p>	<p><b>Policy 11.11</b> For development that will be served by a power utility company, the utility company must be willing and able to provide the power needs of the development.</p> <p><b>Applicant:</b> <i>“In rural Multnomah County, this chapter and Goal 11 have limited application, as public facilities are not needed to support proposed uses as most (such as sewer/septic, water/well, and drainage/sheet flow) are accommodated on individual properties.</i></p> <p><i>The subject Master Plan does not plan for uses that require support from public facilities. All potential services needs are planned for on-site accommodation. For example, if water is desired, a well or water tank can be installed.”</i></p> <p><b>Applicant</b> (Exhibit A.26): <i>“Since the original application submission, solar was not found to be an adequate power source for the automated gate. Thus, power lines will be brought to the site. Attached plans from Portland General Electric indicate power will be brought to the site from NW Wapato Avenue. Lines will run underground, including under the rail line. Exhibit 1. PGE will coordinate the utility easement within the right-of-way. Lighting will be connected to the same power source. Appropriate and needed right of way permits will be obtained to support utility installation. The need to obtain said permits can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> <i>The applicant proposes a connection to PGE lines. All other services will be provided on site. The proposal conforms to the intent of this policy.</i></p>
<p><b>11.103</b></p>	<p><b>Water Supply and Wastewater Treatment Systems</b></p> <p><b>Policy 11.12</b> A water supply system for new development shall be by either of the following methods:</p> <ol style="list-style-type: none"> <li><b>1. Connection to a public water system having adequate capacity to serve the development and all other system customers</b></li> <li><b>2. A private water system that produces safe drinking water with sufficient volume and pressure to meet applicable Building Code and Fire Protection Code</b></li> </ol>

	<p><b>Policy 11.13 Wastewater disposal for new development shall be by any of the following methods:</b></p> <ol style="list-style-type: none"> <li><b>1. Connection to a public sewer system having adequate capacity to serve the development and all other system customers</b></li> <li><b>2. A private system that meets Oregon Department of Environmental Quality regulations</b></li> </ol> <p><b>Applicant:</b> <i>“No public water supply or public waste water disposal (sewer) is needed to implement and support the restoration and recreational objectives of the Master Plan. This policy is not applicable or otherwise met.”</i></p> <p><b>Staff:</b> Staff concurs. No public water supply or public waste water disposal system is proposed or required. <i>The standard is not applicable.</i></p>
<p><b>11.104</b></p>	<p><b>Energy Facilities</b></p> <p><b>Policy 11.14 Work with utility and communications companies that own transmission, distribution and communication lines to bury the lines to provide more secure power and communications service during emergency situations and improve scenic qualities.</b></p> <p><i>Strategy 11.14-1: Determine the costs and benefits of burying power and communication lines in conjunction with utility and telephone service providers and community representatives.</i></p> <p><i>Strategy 11.14-2: Amend the Zoning Code to require new or replacement development to underground personal power and communication lines serving the development, with exceptions for unusual circumstances.</i></p> <p><b>Policy 11.15 Ensure that public service providers and utility providers have the capability to serve proposed new development by inviting their review and comment on development applications that may impact them.</b></p> <p><i>Strategy 11.15-1: Circulate development proposals to affected service and utility providers (i.e. County Sheriff’s Office, School Districts, Water Districts, Fire Districts, etc.).</i></p> <p><b>Applicant:</b> <i>“No electrical or natural gas service is needed to implement and support the restoration and recreational objectives of the Master Plan. This policy is not applicable or otherwise met.”</i></p> <p><b>Applicant</b> (Exhibit A.26): <i>“Since the original application submission, solar was not found to be an adequate power source for the automated gate. Thus, power lines will be brought to the site. Attached plans from Portland General Electric indicate power will be brought to the site from NW</i></p>

	<p><i>Wapato Avenue. Lines will run underground, including under the rail line. Exhibit 1. PGE will coordinate the utility easement within the right-of-way. Lighting will be connected to the same power source. Appropriate and needed right of way permits will be obtained to support utility installation. The need to obtain said permits can be made a condition of approval to ensure compliance.”</i></p> <p><b>Staff:</b> Staff concurs. Service provider forms have been submitted (A.3.32). Electricity for lighting will be served by PGE. <i>The proposal conforms to the intent of this policy.</i></p>
<p><b>11.105</b></p>	<p><b>Solid Waste Management</b></p> <p><b>Policy 11.16 Implement a solid waste and recycling management program that complies with State law, the Regional Solid Waste Management Plan, and the County’s intergovernmental agreement with Metro.</b></p> <p><i>Strategy 11.16-1: The County should revise its solid waste and recycling management program as needed to comply with amendments in state law, the Regional Solid Waste Management Plan, or its intergovernmental agreement with Metro.</i></p> <p><b>Applicant:</b> <i>“This policy is a directive to the County and is not applicable.”</i></p> <p><b>Staff:</b> The policy directs the County to implement a solid waste and recycling management program is not applicable to the application. <i>This policy is not applicable.</i></p>
<p><b>11.106</b></p>	<p><b>Police, Fire, and Emergency Response Facilities</b></p> <p><b>Policy 11.17 As appropriate, include school districts, police and fire protection, and emergency response service providers in the land use process by requiring review of land use applications from these agencies regarding the agency’s ability to provide the acceptable level of service with respect to the land use proposal.</b></p> <p><i>Strategy 11.17-1: Encourage school districts to review land use proposals for, among other factors as determined by the school district, impacts to enrollment and the district’s ability to meet community educational needs within existing or planned district facilities and impacts to traffic circulation and pedestrian safety.</i></p> <p><i>Strategy 11.17-2: Encourage police, fire protection, and emergency response service providers to review land use proposals for, among other factors as determined by the agency, sufficiency of site access and vehicular circulation and, for fire protection purposes, the availability of adequate water supply, pressure, and flow, whether provided on-site or delivered from off-site.</i></p> <p><b>Applicant:</b> <i>“This policy requires coordination with service providers. The policy is implemented through the land use development process, which in Multnomah County, requires service provider coordination and use proposals to go through conditional and design review for specified uses.</i></p>

	<p><i>County code ensures this policy will be met when a land use development application is presented to the County for review.”</i></p> <p><b>Staff:</b> The applicant has provided service provider forms from the Multnomah County Sheriff’s office, Oregon Dept. of Forestry (fire), and the City of Portland sanitarian (Exhibit A.3.32), which all indicate the facility will be adequately served. <i>The Policy is satisfied.</i></p>
<p><b>11.107</b></p>	<p><b>Rest Stops</b></p> <p><b>Policy 11.18 Explore opportunities to provide public rest stop facilities for the most heavily used travel routes, especially along popular recreational and tourist routes.</b></p> <p><i>Strategy 11.18-1: Rest stop facilities may include amenities such as restrooms, picnic tables, garbage disposal containers and water fountains.</i></p> <p><i>Strategy 11.18-2: Inform the traveling public of rest stop locations through wayfinding signage.</i></p> <p><i>Strategy 11.18-3: Partner with those agencies most involved in providing public parks and rest facilities, such as ODOT, OPRD or Metro, to determine suitable locations for these facilities.</i></p> <p><i>Strategy 11.18-4: Involve affected stakeholders in the decision making process for rest stop locations and amenities.</i></p> <p><i>Strategy 11.18-5: Rest stop facilities should be either a review use or a conditional use to ensure that compatibility with the surrounding neighborhood and environmental impacts are addressed.</i></p> <p><i>Alternative Uses of Public School Buildings.</i></p> <p><b>Staff:</b> The proposal does not include rest stop facilities. <i>This policy is not applicable.</i></p>
<p><b>11.108</b></p>	<p><b>Sauvie Island and Multnomah Channel Policies and Strategies</b></p> <p><b>Policy 11.21 Cooperate with the Sauvie Island Drainage Improvement Company and state and local agencies to address drainage, flood control, and roadway functions of existing levees while restoring natural systems where appropriate. Provide notice to the Drainage Company of any proposed code amendment or development on lands on and/or adjacent to Drainage Company infrastructure.</b></p> <p><b>Staff:</b> This policy is applicable to the Sauvie Island / Multnomah Channel Rural Planning Area only. <i>This policy is not applicable.</i></p>
<p><b>11.109</b></p>	<p><b>Chapter 12 – Transportation</b></p> <p><b>Staff:</b> The Multnomah County Transportation System Plan (TSP) serves as the Transportation Element of this Comprehensive Plan</p>

## Multnomah County's Transportation System Plan (TSP)

**GOAL:** To provide a safe and efficient transportation network for all modes of travel that serves the rural areas of the County and achieves the following objectives:

1. Implement a transportation system that is safe and efficient in meeting the needs of area residents.
2. Implement a balanced transportation system that supports all modes of travel.
3. Develop a transportation system that supports the rural character of unincorporated Multnomah County.
4. Develop a transportation system that supports a healthy economy.
5. Provide transportation improvements in a timely manner according to funding capability.
6. Reduce vehicle traffic on rural County roadways caused by those traveling through the area.

**Applicant** (Exhibit A.4): *“The TSP addresses both the current transportation system, as well as the 2035 needs of the system. The following elements, among others, are identified as important to providing a safe and efficient multi model transportation network that serves rural areas of Multnomah County:*

- *Reducing modal conflicts, particularly on two-lane roads*
- *Enhancing user safety while maintaining rural character*
- *Managing travel demand caused by peak conditions, seasonal events, and special events leading to congestion, which can lead to traffic queues and delayed emergency response times.*

*As demonstrated by the traffic analysis report prepared by Nemariam Engineers & Associates, LLC, which specifically addresses the County TSP and Multnomah County Road Rules, the limited recreational uses envisioned in the master plan will have a minimal impact on the transportation facilities serving the area.*

*The report demonstrates that recreational uses are more often associated with non-peak hours and weekends. The report demonstrates that with site distance improvements, anticipated visitors will safely and efficiently access the site and use the existing road system with other users. See Exhibit 5. Please note: The study done in the summer of 2017 occurred when Newberry Road was closed, resulting in more trips directed to and through NW McNamee versus when Newberry is open for travel. The subject West Hills Neighborhood represents the lowest housing densities per acre in the County, resulting in fewer trips and demands on the road system during peak times. This is confirmed by the County's daily traffic map that shows the County roads serving the properties experience lower levels of traffic. See Exhibit 17.*

*The properties are and can be adequately served by County roads which provide access to State Highway 30 and throughout the West Hills. See Exhibit 14. The traffic anticipated for the site will not reduce or otherwise threaten user safety and will not represent a vehicle increase that will alter the rural character of the area. The demand will not lead to queues and their associated problems and concerns. The TSP goals are supported by Metro's North Tualatin Mountains Master Plan.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go

	<p>through the transportation review process. Since this goal/policy is directed at the County, it is not applicable to the applicant.</p>
<p><b>11.110</b></p>	<p><b>Transportation Policies</b>  <b>Policy 1: Overall Transportation System</b>  <b>Maintain and improve the transportation system for all modes of travel with the following goals: Reducing vehicle miles travelled, minimizing carbon emissions, reducing conflict between travel modes, and improving the natural environment by minimizing stormwater runoff and facilitating wildlife movement. Ensure that the transportation system reflects the community’s rural character while ensuring efficiency and local connectivity.</b></p> <p><b>Strategies</b></p> <ul style="list-style-type: none"> <li>a) <b>Explore implementing measures for traffic calming, traffic diversion, and speed enforcement.</b></li> <li>b) <b>Address climate change impacts and the Climate Action Plan’s recommended actions when planning transportation investments and service delivery strategies.</b></li> </ul> <p><b>Applicant:</b> <i>“The comprehensive plan text amendment expresses Metro’s desire to develop minimal access improvements and trail extensions, primarily in the Burlington Creek Forest and lesser so at McCarthy Creek. The public recreational facilities represent a sustainable vision of accessing nature close to home. One of the objectives of Metro’s Parks and Nature program is provide access and natural area experience in close proximity to our urban environment to reduce vehicle miles traveled, versus being required to travel to the coast range or Mt. Hood forest. Improvements master planned within the North Tualatin Mountains promote that goal.</i></p> <p><i>Additionally, Metro’s acquisitions in the North Tualatin Mountains in the interest of wildlife habitat, water quality and access to nature, prevented housing development and potentially dense rural residential development within the Burlington Forest. Metro’s purchases were made possible by community and regional support and prevented a substantial number of future area vehicle trips (when comparing vehicle trips associated with a significant number of residential uses versus what is anticipated with master planned access improvements). The Burlington Forest was platted for residential development in 1908 and represents dozens of potential homesites on legal lots of record. Other NTM forests also included the potential for homesites on legal lots of record (including historical plats), as well as forest management dwellings.</i></p> <p><i>Furthermore, Metro’s land management activities represented in the master plan represent concrete efforts in addressing climate change and carbon reductions.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.111</b></p>	<p><b>Policy 2: Overall Transportation System</b>  <b>Develop and implement effective use of signage designed to educate the public about farm equipment using roads, wildlife crossings and bicycle and pedestrian safety, as well as additional way finding signage.</b></p> <p><b>Applicant:</b> <i>“The comprehensive plan text amendment expresses Metro’s desire to develop minimal access improvements and trail extensions, primarily in the Burlington Creek Forest and lesser so at McCarthy Creek. As represented in Metro’s land use application for the Burlington Creek Forest,</i></p>

	<p><i>Metro is proposing a monument and entry sign to clearly identify the location and entry point for visitors. This sign usage is consistent the policy 2.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.112	<p><b>Policy 3: Overall Transportation System</b>  <b>Promote a transportation system that prioritizes and supports the efficient and safe movement of farm and forest vehicles and equipment.</b></p> <p><b>Applicant:</b> <i>“Policy 3 is concerned with transportation impacts that impede or otherwise conflict with farm and forest vehicle and equipment movement. This is similar to the farm and forest use compatibility standard in Multnomah County’s land use code. The standard requires a review of the area, including uses.</i></p> <p><u><i>Burlington Creek Forest:</i></u>  <i>The area surrounding Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, ancient forest preserve, and wetland. However, given its location on the eastern slope with the railroad lines and State Hwy 30 to the east, the property is rather isolated from surrounding uses. McNamee Road, Cornelius Pass Road and the railroad all cross through the Burlington Creek Forest. Additional infrastructure includes power line corridors running the length of the site, logging roads, and a Burlington Water District water tank that serves the neighborhood below. Exhibit 13. Connectivity between Burlington Creek Forest and Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by Hwy 30, local roads, residential development, and the railroad line.</i></p> <p><i>Surrounding land uses of note include the following:</i></p> <ul style="list-style-type: none"> <li>● <i>Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.</i></li> <li>● <i>Rural Residential: Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential areas are located along NW McNamee, west of the forest, and also adjacent to Hwy 30, below the forest. The residential uses adjacent to Hwy 30 are solely residential in nature. While many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.</i></li> <li>● <i>Ancient Forest Preserve: The Ancient Forest, owned and managed by the Forest Park Conservancy, protects nearly 40 acres of old growth forest adjacent to the southwest corner Burlington Creek Forest site. The conservancy welcomes visitors to the Ancient Forest and has recently extended the trail system.</i></li> <li>● <i>Burlington Bottoms: The roughly 400-acre Burlington Bottoms wetlands, owned by Bonneville Power Administration (BPA) and managed by Oregon Department of Fish and Wildlife (ODFW), lie northeast of Burlington Creek Forest. The railroad lines are located west of the homesites along both sides of Hwy 30, with Burlington Creek Forest, uphill from the rail lines.</i></li> </ul>

*There are no commercial farming activities occurring on lands adjacent to the property. Therefore, no activities proposed will result in significant impacts to or significantly alter farm uses. Area forestry operations are located a substantial distance from the proposed access improvements. Proposing and confining access improvements to site interiors and buffering those uses with additional Metro land holdings, further isolates planned use and thereby minimizes impacts, if any. Therefore, no activities represented in the master plan will result in significant impacts to or significantly alter those forest uses.*

*Currently, forest sites represented in the master plan are used for recreational activities in an informal and largely unsupervised manner. Visitors access the Burlington forest site via the existing access drive, park vehicles adjacent to the existing gate and adjacent to NW McNamee Drive, and recreate on the property in a variety of ways, including hiking and bicycling. Activities occurring on site currently do not impede any forestry operations in the general vicinity. Metro is proposing to formalize and improve visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring.*

*Access will be primarily be from US 30, as it is convenient and in close proximity to the entrance off of NW McNamee Road, and the direction in which the vast majority of County resident's reside. McNamee Road improvements will include vegetation clearing and grading to meet site distance requirements. On site, the access road and parking area will better accommodate both emergency response vehicles and logging trucks anticipated for on-going forest management. One homesite was removed from the Burlington Creek Forest property, effectively reducing daily vehicle trips on McNamee Road.*

*There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate.*

#### *Ennis Creek Forest*

*Ennis Creek Forest comprises approximately 350 acres. The northern half is similar in character to Burlington Creek Forest, composed of young conifer and hardwood forest. The site is separated from Burlington Creek by an operational quarry. On the southern portion of the site, the north and south forks of Ennis Creek flow through a more gentle topography and the forest is older and more diverse with wetter soils. Ennis Creek and several unnamed tributaries occupy the southern half of the forest and flow eastward to the base of the ridge. At Ennis Creek, the Multnomah Channel flows along the base of the ridge.*

*Surrounding land uses of note include the following:*

- *Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.*
- *Rural Residential: Residential areas are located along NW Newberry Road, south and southeast of the forest, NW McNamee west of the forest, and also adjacent to Hwy 30, below the forest. The residential uses adjacent to Hwy 30 are solely residential in nature. While many rural residences along NW Newberry and NW McNamee have some forest resources associated with them. Further south is Forest Park.*

*Except for including a potential north south trail connector (which is envisioned by state and regional trail planners as a section of trail eventually leading from Forest Park to the Oregon*

Coast) no formal access improvements are proposed. Metro's focus at Ennis is on restoring and improving natural resources, forest health, habitat, and water quality associated with the site. Those uses represent resource uses and do not conflict with the movement of resources on county roads.

#### McCarthy Creek Forest

McCarthy Creek Forest, a former tree farm, is approximately 402 acres. It is located west of McNamee Road and below the Skyline ridge. A network of logging roads, many of which are degraded, traverse the site. Plans call for decommissioning roads north of the southern loop road. Notably, there is a 20-acre patch of mature forest (60 to 80 years old) in the northwest corner of the natural area.

Hikers and equestrians currently walk or ride the loop road in the south half of the site. The site is accessed by neighbors. Schools and youth organizations also visit the site for field trips.

Metro's master plan recommends continuing public access and supporting that with minimal visitor improvements at McCarthy Creek Forest. The recommendations call for continued use of small section of former logging roads, old road beds, and short sections of new trails in the SE section of the forest. Other existing roads will be decommissioned. Planned improvements include a parking lot, trailhead, interpretative and way finding signs, picnic tables and shared use trails. An existing one mile loop road will continue to be enjoyed by hikers, cyclists, and equestrians. Only approximately one mile of new trail is recommended.

Visitor experience will focus on expansive views into the stream valley below. Core habitat along the north and west parts of the sites will be preserved.

The early preferred alternative recommended including a trail through the northern portion of McCarthy that would have offered access to stunning vistas of the Tualatin Valley and Coast Range. Although the resident herd of elk is identified as a low-priority by the Oregon Department of Fish and Wildlife, it is valued by some members of the public. Thus, to address neighbor concerns about elk that frequent the meadow, the trail section is not included in the Master Plan. Except for the minimal improvements planned, Metro's focus is on restoring and improving natural resources, forest health, habitat, and water quality associated with the site.

Surrounding land uses of note include the following:

- *Quarry: An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.*
- *Rural Residential: Residential areas composed primarily of rural residential parcels on both small and large acreage parcels. Residential areas are located along NW McNamee, north and east of the forest, and also adjacent to NW Skyline Road, below the forest. Many rural residences along McNamee have forest resources associated with them. Parcels south of Skyline have farm uses associated with them. Parcels further southeast along Skyline are comprised of small acreage rural residences.*
- *School: Skyline Elementary School occurs just west of the McCarthy property on NW Skyline Boulevard. Students from Skyline Elementary School have already benefitted from being a near neighbor of the natural area by visiting the site as part of their science and nature curriculum.*

*Currently, the subject forested site is used for recreational activities in an informal and largely unsupervised manner. Visitors access the site via one of two existing access drives, park vehicles adjacent to the existing gate and adjacent to NW Skyline Boulevard, and recreate on the property in a variety of ways, including hiking, bicycling and horseback riding. Activities occurring on site currently do not impede any forestry operations in the general vicinity. Metro is proposing to formalize and improve visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring. Continued forest management activities are anticipated.*

*Access will be primarily from NW Skyline Boulevard, as it is convenient being in close proximity to the entrance off of NW McNamee Road. The existing secondary access point from NW McNamee Road will also be maintained.*

*There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads upon which the adjacent properties rely for local access will continue to carry volumes of traffic that the roads are designed to accommodate.*

*Please note: Planned improvements at McCarthy Creek Forest are not proposed to be constructed or permitted through a land use application at this time. They are identified as a future project phase in the subject master plan, which provides an opportunity to apply lessons learned during the first phase of the project implementation at Burlington Creek Forest.*

*North Abbey Creek Forest*

*Burlington, Ennis, and McCarthy Creek forests are all located on the northwest side of Skyline Ridge, and within the Columbia River Watershed. North Abbey Creek Forest, located southwest of Skyline Ridge, is the only site in the Tualatin River watershed. Metro's holding, approximately 211 acres, protects the headwaters of North Abby Creek, which flows the length of the site through a steep canyon. The forest is more diverse, including big leaf maple, Douglas fir and a developed understory. Large open areas are frequented by the local elk herd and provide opportunities to developed shrub-dominated pollinator and migratory bird habitat.*

*Current public uses are primarily restoration focused or educational in nature. Additionally, residents from the neighborhood access the east side of the property via existing informal trails that connect to neighborhood association land. No formal access improvements are proposed. Metro's focus is on restoring and improving natural resources, forest health, habitat, and water quality associated with the site. Those uses represent resource uses and do not conflict with the movement of resources on county roads.*

*One homesite has already been removed from the North Abbey Creek property, effectively reducing daily vehicle trips on area roads.*

*This policy is met."*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.113 Policy 4: Overall Transportation System**

**Coordinate with public service providers and private utility suppliers to maximize the efficient delivery of both public and private utilities and facilities in County Right of way.**

**Strategies**

- a) **Work with utility companies that own transmission and distribution lines to strive to bury the power lines to provide more secure power service during emergency situations and improve scenic qualities.**
- b) **Coordinate utility and road work whenever possible.**

**Applicant:** *“In master planning generally, and project planning for Burlington, Metro has coordinated with service and utility providers. PGE maintains power lines in the general area and within or adjacent to County rights of way. These lines serve the substantial number of residential uses in the West Hills. Metro may consider pursuing extending PGE power to the site. Lines would occur within County right of way and those crossing under PGE and BPA transmission lines would be buried.*

*Metro has consulted with Burlington Water District regarding the extension of water service to the parking area. While a water meter could be installed near the Water District’s existing tank, it is likely not feasible to supply water to the parking area due to costs associated with extending electrical service to a pump that would push water uphill to the parking area.*

*Metro has also coordinated with fire and emergency service providers, as represented in the Burlington use application. This policy is met.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.114**

**Policy 5: Overall Transportation System**

**Implement and maintain a balanced, safe, and efficient transportation system using the existing roadway network.**

**Strategies**

- a) **Review and maintain a traffic-way classification system integrated with land uses and travel needs. The hierarchy of functional classifications should be based on trip types and length, traffic volume and travel modes, and access to adjacent land uses.**

**Applicant:** *“There are no level of service issues associated with the master plan. Metro’s master plan represents planned access improvements at only two locations, one at Burlington Creek Forest and the other at McCarthy Creek Forest. Burlington Creek’s improvements are currently the subject of a companion land use application, and represent more recreational opportunities than McCarthy Creek. Both sites are currently used for recreational purposes, with modest expansions of trail miles proposed. The assigned functional classifications reflect the roadways’ intended purpose, the anticipated speed and volume, and the adjacent land uses. Metro’s North Tualatin Mountain properties are served by NW Skyline Boulevard, a collector, Germantown Road, a collector, Cornelius Pass Road, an arterial, US Hwy 30, an express way, and NW Newberry and NW McNamee Roads, local streets.*

*The primary roads upon which the adjacent properties rely for local access will continue to carry volumes of traffic that the roads are designed to accommodate.*

*The limited recreational uses represented in the master plan will have a minimal impact on the transportation facilities serving the property. Recreational uses are more often associated with non-peak hours and weekends. Anticipated future visitors will safely and efficiently access the site and use the existing road system with other users. The subject West Hills Neighborhood represents the lowest housing densities per acre in the County, resulting in fewer trips and demands on the road system during peak times. This is confirmed by the County's daily traffic map that shows the County roads serving the properties experience lower levels of traffic.*

*The only roadway that sees a substantial amount of traffic is Cornelius Pass Road, which is representative of its use as a commuter road and its direct connection between US Highways. 30 and 26.*

*The NTM properties are and can be adequately served by County roads which provide access to Highways 30 and 26, and throughout the West Hills. The traffic anticipated for master planned access improvements will not reduce or otherwise threaten user safety and will not represent a vehicle increase that will alter the rural character of the area. The demand will not lead to queues and their associated problems and concerns. This strategy is met and thus the policy advanced.*

*A traffic analysis report prepared by Nemariam Engineers & Associates, LLC, specifically addresses the County TSP and Multnomah County Road Rules. It notes the limited recreational uses envisioned in the master plan will have a minimal impact on the transportation facilities serving the area. The report demonstrates that with site distance improvements, anticipated visitors will safely and efficiently access the site and use the existing road system with other users."*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.115**

**b) For capital projects, improve streets to the standards established by the classification system and the Multnomah County Design and Construction Manual while maintaining context sensitivity.**

**Applicant:** *"Metro is not proposing a capital project or a use that warrants capital project improvements. This strategy is not applicable.*

*However, several County roadways that serve the area are the subject of planned and programmed projects. Cornelius Pass Road, as well as the associated bicycle route along it, are identified as high priority projects. NW Skyline Boulevard is both a high priority and a medium priority at different locations. And Germantown and Springville Roads are identified as low priority projects.*

*These transportation fee and state and federally funded capital projects will continue to serve the area."*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within

	<p>the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.116	<p><b>c) Implement access management standards established in the Multnomah County Road Rules and the Multnomah County Design and Construction Manual while maintaining context sensitivity.</b></p> <p><b>Applicant:</b> <i>“Access standards per the County’s Design and Construction Manual, such as driveway location and dimensions as well as site distance requirements, are included as proposed improvements at Burlington Creek Forest. Additionally, rural character will be maintained. Any approach will be designed consistent with other approaches in the area, although they will comply with current access and safety standards. This is a directive for the County and which the County can satisfy during land use review.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.117	<p><b>d) Place priority on maintaining the existing traffic-ways.</b></p> <p><b>Applicant:</b> <i>“At Burlington Creek Forest, an existing access drive and road will be improved instead of developing a new access location and access drive. Metro is not proposing to develop any new traffic-ways. This policy strategy is directed at the County to prioritize existing roads over new road systems. This strategy is not applicable.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.118	<p><b>e) Review land use development and condition improvements on County Roads based on functional classification and standards set forth in the Multnomah County Design and Construction Manual to mitigate impacts. Transportation and land use development review should be coordinated.</b></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.119	<p><b>f) Implement the land development process adopted in the Multnomah County Road Rules where halfstreet improvements or dedication of a right-of-way or easements can be required as conditions of a permit for land development abutting a County road.</b></p>

	<p><b>Applicant:</b> <i>“This policy strategy is directed at the County. The County is currently reviewing land use development associated with planned Burlington Creek Forest access and trail expansions to ensure compliance with County road rules and design standards in association with the improved access drive onto NW McNamee Road.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p> <p>The review regarding the proposed access for the Burlington Creek Forest application, according to the County’s Standards (Road Rules and Design and Construction Manual) is undertaken in application Section 12.00 below.</p>
11.120	<p><b>g) Maintain inventory of current and projected deficiencies on the County’s road network as the basis for Capital Improvement Plan and Program, including general roadway improvements, bicycle improvements, pedestrian improvements, and wildlife crossing improvements.</b></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.121	<p><b>h) Coordinate policy and development review work with Multnomah County Land Use Planning program which regulates off-street parking and loading areas, including parking for vehicles, trucks, and bicycles through Multnomah County Code.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County. The County is currently reviewing land use development associated with planned Burlington Creek Forest access and trail expansions to ensure compliance with County parking standards. This strategy is being met.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.122	<p><b>Policy 6: Active Transportation</b>  <b>Identify, prioritize, and implement short- and long- term solutions to safely accommodate multiple modes of travel on County roads including on-road bikeways, separated multi-use paths, and explore funding options.</b></p> <p><b>Strategy</b></p> <p><b>a) Apply context sensitive roadway improvements and evaluation of projects.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County for capital planning and project evaluation. Metro’s North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW</i></p>

	<p><i>McNamee, Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others. These improvements, particularly the creation of a shared use roadway on NW McNamee Road, would improve multimodal options for reaching Burlington Creek Forest. When used in conjunction with available public transit, this improvement would expand multi-modal access to the nature park for a wide variety of visitors.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.123</b></p>	<p><b>Policy 7: Active Transportation</b>  <b>Implement context sensitive design when reviewing rural road standards to determine appropriate paved shoulder widths to preserve the rural character of roads, while supporting all modes of travel.</b></p> <p><b>Strategies:</b></p> <ul style="list-style-type: none"> <li>a) <b>Explore options for bike pull outs and passing lanes to allow for resting and passing</b></li> <li>b) <b>Consider bike-friendly road treatments, especially in regards to maintenance of the road</b></li> <li>c) <b>Consider bike and environment friendly materials and treatments such as pervious asphalt</b></li> <li>d) <b>When widening, shoulders should aim to achieve a minimum 3 foot paved width.</b></li> <li>e) <b>Explore services and facilities to support multimodal uses that reflect rural character and reduce impacts on surrounding land uses and wildlife connectivity.</b></li> <li>f) <b>Prioritize use of centerline rumble strips for the purpose of supporting efficient and safe movement of vehicles and avoid the use of fog line rumble strips which endanger bicyclists. If fog line rumble strips are used, safe facilities should be designed that allows for bikes to ride safely, such as the application of adequate shoulders.</b></li> <li>g) <b>In areas with steep slopes, landslide hazards, or wildlife habitat, first consider alternatives such as signage and TDM strategies that do not require additional impervious surfaces.</b></li> </ul> <p><b>Applicant:</b> <i>“While this strategy is directed at the County to update county rural road standards, a parking area at Burlington Creek Forest would provide a place for area cyclists to pull off the roadway and rest. Burlington Creek’s access way and access drive will be paved, offering a smooth surface for visitors who arrive by bicycle. Furthermore bike racks and a restroom will be provided at Burlington Creek Forest.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.124</b></p>	<p><b>Policy 8: Active Transportation</b>  <b>Develop and support programs and projects that educate and increase the safety of non-motorized transportation options in the County, and reduce dependency on automobile use and to reduce vehicle miles traveled (VMT) by:</b></p> <ul style="list-style-type: none"> <li>a) <b>Promoting bicycling and walking as vital transportation choices.</b></li> </ul>

- b) Assuring that future street improvement projects on a designated bikeway and walkways are designed to accommodate and improve safety for bicyclists, pedestrians and transit users.
- c) Striving to use federal, state, and local best design practices for bicycle and pedestrian facilities when improving County roadways while maintaining context sensitivity.
- d) Providing for bicycle and pedestrian travel through the development and adoption of a Countywide Transportation Capital Improvements Program (CIP) that includes all the bikeways and walkways identified in the Multnomah County Bikeway and Pedestrian System Maps.
- e) Placing priority on transportation system improvements in the Capital Improvement Plan that reduce the number of crashes involving bicyclists and pedestrians, the roadway's most vulnerable users.
- f) Supporting transportation options programs in the region including Safe Routes to School, bicycle tourism initiatives (where appropriate), the development of future Transportation Management Associations (TMAs), and other programs funded through the Regional Travel Options program.
- g) Supporting programs and policies that increase awareness of transportation options and education about safety on the transportation system for all modes and users.
- h) Supporting the conversion of railroad lines to multi-use paths, such as the Burlington Northern Cornelius Pass Road rail line.

#### Strategies

The following strategies should be used to implement the County's bicycle and pedestrian system:

- a) Identify a connected network of pedestrian and bicycle facilities and access to transit, which provides the framework for future walkway and bikeway projects.
- b) Periodically review and update the Multnomah County Design and Construction Manual to include the most up-to-date national, state, and local best practice for the design of bicycle and pedestrian facilities.
- c) Coordinate with Metro to implement bicycle and pedestrian networks in the Regional Transportation Plan (RTP, the Regional Transportation Functional Plan (RTFP), and other local transportation system plans. Participate in updates to regional and local transportation plans.
- d) Continue to support and coordinate with Metro and other partner agencies in regional trails projects that may affect rural Multnomah County, recognizing trails as a vital component to the regional active transportation network while protecting natural resources and habitat.
- e) Continue to seek funding for identified bicycle and pedestrian improvements, such as but not limited to state and regional grant sources.
- f) Maintain the Bicycle and Pedestrian Citizen Advisory Committee to provide input on Multnomah County Transportation Division projects and programs, including proposed bicycle and pedestrian project criteria and project design.
- g) Ensure there is a comment, review, and public involvement process for planning, engineering, operations and maintenance projects for the appropriate neighborhood groups and cities within Multnomah County.

**Applicant:** *"This policy and policy strategies are directed at the County. However, Metro's planned improvements at Burlington Creek Forest promote the policy by planning for a recreational facility in proximity to county residences, with visitors having the option of riding a bike or taking a Trimet bus in close proximity to the trailhead.*

*The public recreational facilities represent a sustainable vision of accessing nature close to home. One of the objectives of Metro's Parks and Nature program is to provide access and natural area experience in close proximity to our urban environment to reduce vehicle miles traveled, versus being required to travel to the coast range or Mt. Hood forest. Improvements master planned within the North Tualatin Mountains meets that goal.*

*Also, Metro's North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW McNamee, Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others.*

*Additionally, as represented in the master plan, both Burlington and Ennis Creek Forests are shown as including sections of the regional Pacific Greenway trail. Burlington Creek Forest is located at the crossroads of the future Pacific Greenway and Helvetia regional trails. The BCF trails will advance the completion of a gap within the Pacific Greenway Trail, which is envisioned to one day extend from public lands in the Coast Range through BCF to Portland's famed 5,157-acre Forest Park to the southeast. Trails at BCF will provide a crucial link from Portland's urban parks and neighborhoods to the broader system of regional trails, including the Banks-Vernonia Trail, the CZ Trail, the planned Salmonberry Trail and the conceptual Helvetia Regional Trail within existing rail right-of-way.*

*Supporting this master plan will implement strategies specifically represented above that direct the County to support Metro's regional trail planning and projects, as well as planned bicycle and pedestrian improvements which protect natural resources and habitat, all of which are represented in the master plan.*

*The proposed trail network creates diverse trail experiences with respect to setting, education opportunities, and challenge levels. A sustainably designed shared-use trail system will connect visitors to nature and wildlife while minimizing impacts to natural resources. Development at Burlington Creek Forest will adhere to the following as outlined in the State of Oregon's 2012, "Developing Sustainable Park Systems in Oregon" report:*

- *Minimizing environmental impacts from the onset through sensitive siting of a park within the landscape and careful consideration of the various uses within the park boundaries*
  - *Metro's four North Tualatin properties were considered as a whole to determine where site development and public access would be most appropriate. In terms of conservation value, the Burlington Creek Forest is the most impacted of the four sites due to existing recreation activities, the presence of power and water utility infrastructure and past commercial timber use.*
  - *Careful consideration has been given to activities to be supported at the site. New shared-use trails will be built for hikers and mountain bikers, while equestrians will be allowed to utilize the existing gravel roadways. This approach is responsive to both the steep slopes of the site and the input of community members.*
- *Protecting and enhancing habitat areas*

- *To date, Metro has completed over \$1,000,000 of restoration at the North Tualatin Mountains including: 1.3 miles of stream restoration, 700 acres of forest thinning, and the planting of 85,000 native shrubs and trees. Additional planned restoration includes: three miles of road decommissioning, culvert removal and replacement, and continued forest management for wildlife habitat and water quality.*
- *Proposed trails at Burlington Creek Forest have been aligned and designed to minimize impacts to natural resources. The trail planning and design addresses: avoiding trails adjacent to streams, minimizing the number of stream crossings, utilizing boardwalks and bridges to reduce impacts to riparian areas and minimizing erosion potential by aligning trails to follow contours, utilize grade reversals and offer outslopes to shed stormwater locally.*
- *Existing roads and road beds will be re-purposed for trail use to reduce the need for new trails.*
- *Trails will be aligned to avoid impacts to existing trees.*
- *Educating the public about the value of natural resource stewardship*
  - *Metro has an active nature education program that provides a variety of public programs ranging from studies of bird language and mushroom identification to wildlife tracking. Metro also operates custom trips for school groups, a year-long immersion series, and youth ecology work study.*
- *Minimizing pollution impacts resulting from park features and user activities*
  - *As the proposed trail system is focused on non-motorized users, no pollution from user activities on site is anticipated.*
  - *Materials to build trails will be sourced locally to minimize fuel expenses.*
  - *Materials will be sourced from the site; rocks unearthed during excavation will be incorporated into trail features.*
- *Promoting alternative forms of transportation (e.g., greenways, bike trails, safe routes to schools)*
  - *As a site near the urban area, many visitors will be able to ride their bikes or take a Tri Met bus to within biking distance of the park.*
- *Reducing maintenance and operations costs*
  - *Proposed trails at Burlington Creek Forest have been aligned and designed to require a minimum amount of maintenance. Trail alignments discourage shortcuts and erosion potential is reduced by constructing trails to follow contours, utilize grade reversals and provide outslopes to shed stormwater locally. Bridge and boardwalk structures are expected to use a durable fiberglass decking material to ensure a long life.*
  - *Trails will be aligned to provide desirable experiences such as solitude, exercise, and fun in order to discourage the creation of social trails. Trails reach “positive control points” (e.g., views) and avoid “negative control points” (e.g., nesting and other habitat areas).*
- *Involving the public as partners, customers, volunteers, participants, stakeholders, etc.*
  - *Metro has a staff of full-time volunteer coordinators who will work with trail stewardship groups such as Trailkeepers of Oregon and Northwest Trail Alliance to monitor and maintain trails at BCF while encouraging site stewardship.*
  - *Metro's staff provide nature education programs to schools, groups and the general public.*
- *Encouraging partnerships with various organizations*

	<ul style="list-style-type: none"> <li>○ <i>Metro's Partners in Nature grant program provides opportunities for diverse communities to connect with nature. At the North Tualatin Mountains, Metro partners with Self Enhancement Inc. to introduce hundreds of at-risk urban youth to nature curriculum.</i></li> <li>○ <i>During the planning process, a Stakeholder Advisory Committee was formed. Members include: representatives of surrounding neighborhoods, trails groups, and partner park providers and advocates, including Forest Park Conservancy, Forest Park Neighborhood Association, Northwest Trail Alliance, Oregon Department of Forestry, Oregon Recreation Trails Advisory Committee, Portland Community College, Portland Parks &amp; Recreation, Skyline Ridge Neighbors, Skyline School, Trackers Earth, and West Multnomah Soil and Water Conservation District.</i></li> </ul> <p><i>This policy is promoted.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.125	<p><b>Policy 9: Active Transportation</b>  <b>Support and promote bicycle and pedestrian safety and education in County Schools.</b></p> <p><b>Strategies</b></p> <ul style="list-style-type: none"> <li>a) <b>Develop and maintain an active program in schools, consistent with the federally recognized program utilizing the five Es: education, encouragement, enforcement, engineering, and evaluation.</b></li> <li>b) <b>Continue to identify and fund bicycle and pedestrian infrastructure to increase safety around schools the through Capital Improvement Program</b></li> </ul> <p><b>Applicant:</b> <i>“This policy is directed at the County.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.126	<p><b>Policy 10: Mobility and Freight</b>  <b>Consider regional mobility and freight, and study alternative routes and modes for mobility and freight through unincorporated Multnomah County, including addressing community needs.</b></p> <p><b>Strategies</b></p> <ul style="list-style-type: none"> <li>a) <b>Study alternatives to routes through the West Hills.</b></li> <li>b) <b>Participate in Regional Overdimensional Truck Routes Study and other regional studies as applicable.</b></li> <li>c) <b>Examine the suitability of use of County roads as truck routes.</b></li> <li>d) <b>Coordinate with other jurisdictions on truck impacts and ensure proper mitigation.</b></li> <li>e) <b>Promote transportation alternatives for the movement of freight</b></li> <li>f) <b>Review and implement weight and length limitations for County roads.</b></li> </ul>

	<p><b>Applicant:</b> <i>“The master plan includes property that is served by a freight restricted roadway, NW McNamee. However, the master plan does not envision or promote uses that require or impact freight mobility. The function and safety of McNamee will be improved with this project via vegetation removal, hillside grading and a permanent sight distance easement. This policy is not applicable.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.127	<p><b>Policy 11: Safety</b>  <b>Reduce travel conflicts by providing appropriate facilities, signs, and traffic marking based upon user type and travel mode.</b></p> <p><b>Applicant:</b> <i>“In association with access improvements, as represented in its Burlington Creek Forest application, Metro proposes a paved two way access drive identified with an entry sign to promote safe and efficient egress and ingress. This policy is met.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.128	<p><b>Policy 12: Mobility and Freight</b>  <b>Discourage through traffic on trafficways with a functional classification of rural local road or rural collector.</b></p> <p><b>Applicant:</b> <i>“The master plan includes property that is served by a freight restricted roadway, NW McNamee. However, the master plan does not envision or promote uses that require freight mobility on local roads or rural collectors. This policy is met.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.129	<p><b>Policy 13: TDM, Outreach, and Transit</b>  <b>Implement a range of Transportation Demand Management (TDM) policies encouraging existing businesses and requiring new development (beyond single family residential use and agricultural uses) to help reduce vehicle miles traveled (VMT), and alleviate congestion on county roads caused by seasonal and special event traffic, as well as through commuter traffic.</b></p> <p><b>Strategies</b></p> <p>a) <b>Develop a Countywide TDM program. Program concepts could include strategies such as shuttle buses, ride sharing, work-from-home, flex time, improved transit and access to transit, user fees or congestion pricing.</b></p>

	<p><b>b) Seek funding opportunities, such as Metro’s Travel Options grant program, to support TDM programming.</b></p> <p><b>Applicant:</b> <i>“This policy is directed at the County.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.130	<p><b>Policy 14: TDM, Outreach, and Transit</b>  <b>Coordinate and work with transit agencies and service providers (including, but not limited to, TriMet, CC Rider, and C-Tran) to identify existing transit deficiencies and the improvements necessary to increase access to transit services by potential users.</b></p> <p><b>Applicant:</b> <i>“This policy is directed at the County.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.131	<p><b>Policy 15: Safety</b>  <b>Work with the Oregon Office of Emergency Management, Multnomah County Emergency Management and Multnomah County rural fire protection districts to ensure that the transportation system supports effective responses to emergencies and disasters.</b></p> <p><b>Applicant:</b> <i>“This policy is directed at the County. However, as part of the land use application process for Burlington Creek, pursuant to County code, Metro has coordinated with fire and emergency responders who have review and approved the proposed access improvements and confirmed that they can adequately respond in case of an emergency. This policy is met.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.132	<p><b>Policy 16: Funding and Maintenance</b>  <b>Explore alternative supplemental funding sources to improve County’s road maintenance, safety projects, and other improvements.</b></p> <p><b>Strategies</b></p> <ol style="list-style-type: none"> <li>a) Consider long term maintenance costs with development of capital projects.</li> <li>b) Review and update the County’s Road Maintenance Program to implement applicable policies and strategies of the Comprehensive Plan and SIMC Rural Area Plan.</li> <li>c) Review internal protocols related to road and right-of-way maintenance, including roadside hedgerow trimming and weed eradication. Work with the Soil &amp; Water Conservation Districts, ODFW and wildlife conservation organizations to protect wildlife and manage invasive plant species to ensure that habitat and water resource</li> </ol>

restoration projects are coordinated with County road maintenance and drainage control programs.

- d) Ensure that non-profit organizations and property owners are aware of County programs that may limit wildlife habitat restoration projects, and that County road staff are aware of existing and completed habitat restoration projects when they conduct their operations.
- e) To implement this policy, the County Road Maintenance program will review the following recommendations:
  - a. Except in emergency situations, County road mowing should be done between August 15 and March 15 to minimize impact to nesting birds, and workers should avoid mowing at identified turtle, frog and salamander crossings during nesting season (May and September).
  - b. Culverts under county roads should be surveyed, then repaired and replaced as needed to limit barriers to fish and wildlife passage.
  - c. County staff should work with ODFW and wildlife conservation organizations to identify and mitigate in areas where wildlife corridors cross county roads.
  - d. Mowing equipment should be regularly cleaned so that seeds of invasive plants are not spread into areas where they have not yet been introduced. Incorporate erosion control best practices for mowing and other maintenance activities.
  - e. County staff should confer with the Soil & Water Conservation Districts on best management practices for mowing operations and removing invasive weeds along road right-of-way.
  - f. County staff should be trained to recognize invasive and desirable native plant species; Multnomah County should prioritize plant species for control.
  - g. County staff should inform property owners of the existing Owner Vegetation Maintenance Agreement, which allows abutting property owners to maintain right-of-way vegetation.

**Applicant:** *“This policy is directed at the County. However, applicant is proposing access safety improvements associated with its land use application for Burlington Creek as envision in the subject master plan. Currently, visitors and other users (PGE, Water District) access Metro property at an existing access drive off of NW McNamee. As part of the master planning effort, Metro studied potential access routes to its various properties and selected access points that represented a safe and efficient point of ingress and egress, as well as being resource and habitat appropriate. The planned improvements at Burlington including vision clearance improvements will bring the access drive into compliance with current safety standards. Currently, the access drive does not meet vision clearance standards, thus representing an unsafe condition for site visitors and oncoming traffic. Metro is actively working to support a healthy forest at Burlington Creek. This includes the removal of invasive weedy species. Similar to the County, Metro has worked with the Oregon Department of Fish and Wildlife and the West Multnomah Soil and Water Conservation District throughout the project. By supporting the master plan, these safety improvements can be implemented and the policy supported.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

11.133

**Policy 17: Funding**

**Maximize cost-effectiveness of transportation improvements using the Capital Improvement Plan process and maintenance program.**

**Strategies**

- a) **Coordinate intersection improvements as appropriate through the County's Capital Improvement Plan and the County's maintenance program.**
- b) **Provide minor improvements during maintenance projects where possible.**
- c) **Ensure the Capital Improvement Plan evaluation criteria adequately evaluates rural needs:**
  - a. **Maintenance**
  - b. **Cost effective improvements**
  - c. **Safety**
  - d. **Bicycle and pedestrian improvements**
  - e. **Wildlife**
  - f. **Equity**
  - g. **Health**
  - h. **Climate change**

**Applicant:** *“This policy is directed at the County.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.134**

**Policy 18: Safety**

**Provide a transportation system that functions at appropriate safety levels for all motorized and nonmotorized traffic.**

**Strategies**

- a) **Consider recorded accident rates and documented perceived risks (smart phone applications, websites, reported near misses, etc.) for all modes of transportation and recommend implementation of low-cost operational improvements within budgetary limits. Target resources to reduce accident potential in the top 10 percent of accident locations**
- b) **Continue to monitor high accident location sites for all modes of transportation.**
- c) **Implement access management standards to reduce vehicle conflicts and maintain the rural character of the area.**
- d) **Perform safety audits to identify locations where roadway characteristics increase risks and work to reduce those risks.**

**Applicant:** *“There are no level of service issues associated with the master plan. Metro’s master plan represents planned vehicle access improvements at only two locations, one at Burlington Creek forest and the other at McCarthy Creek forest. McCarthy Creek is planned to maintain a secondary pedestrian access point. Burlington Creek’s improvements are currently the subject of a companion land use application, and represent more recreational opportunities than McCarthy Creek. Both sites are currently used for recreational purposes, with modest expansions of trail miles proposed.*

	<p><i>The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. Metro's North Tualatin Mountain properties are served by NW Skyline Boulevard, a collector, Germantown Road, a collector, Cornelius Pass Road, an arterial, US Hwy 30, an express way, and NW Newberry and NW McNamee Roads, local streets.</i></p> <p><i>The primary roads upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate.</i></p> <p><i>The limited recreational uses represented in the master plan will have a minimal impact on the transportation facilities serving the property. Recreational uses are more often associated with non-peak hours and weekends. Anticipated future visitors will safely and efficiently access the site and use the existing road system with other users. The subject West Hills Neighborhood represents the lowest housing densities per acre in the County, resulting in fewer trips and demands on the road system during peak times. This is confirmed by the County's daily traffic map that shows the County roads serving the properties experience lower levels of traffic.</i></p> <p><i>The only roadway that sees a substantial amount of traffic and hence an increase in traffic congestion, accident, and safety issues is Cornelius Pass Road, which is representative of its use as a commuter road and its direct connection between US Highways 30 and 26.</i></p> <p><i>The NTM properties are and can be adequately served by County roads which provide access to State Highways 30 and 26, and throughout the West Hills. The traffic anticipated for the site will not reduce or otherwise threaten user safety and will not represent a vehicle increase that will alter the rural character of the area. The demand will not lead to queues and their associated problems and concerns. This policy advanced."</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.135</b></p>	<p><b>Policy 19: Safety</b>  <b>Support safe travel speeds on the transportation system.</b></p> <p><b>Strategies</b></p> <ul style="list-style-type: none"> <li>a) <b>Support speed limit enforcement through a variety of available techniques.</b></li> <li>b) <b>Apply design standards that encourage appropriate motor vehicle and truck speeds.</b></li> </ul> <p><b>Applicant:</b> <i>"This policy is directed at the County."</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.136</b></p>	<p><b>Policy 20: Environment</b>  <b>Avoid and minimize impacts to the natural environment, fish, and wildlife habitat when applying roadway design standards.</b></p>

**Strategies**

- a) **Implement standards and best practices for all transportation projects with regard to water quality treatment - the reduction, detention and infiltration of stormwater runoff from existing and new impervious surfaces - to improve water quality as well as fish and wildlife habitats, consistent with requirements of the National Pollutant Discharge Elimination System - Municipal Separate Storm Sewer System Phase I Permit and the Water Pollution Control Facility - Underground Injection Control Permit, issued by the Oregon Department of Environmental Quality under the Federal Clean Water Act and Safe Drinking Water Act.**
- b) **Implement standards and best practices for all transportation projects with regard to protection restoration of existing riparian buffers where waters of the state border current and future rights of way.**
- c) **Implement a program for the assessment and prioritization of fish passage barriers at stream crossings following the Oregon Department of Fish and Wildlife (ODFW) Fish Passage Rules.**
- d) **Secure funding for the restoration of existing fish passage barriers at stream crossings to meet ODFW Fish Passage Rules.**
- e) **Identify and protect critical fish and wildlife migration corridors to prevent the further fragmentation of existing habitats by future project alignments.**

**Applicant:** *“Applicant’s master plan does not plan for roadway improvements, nor does it require roadway improvements, that will impact natural resources and habitat. The Burlington access plan envisioned by the master plan will require minimal grading adjacent to the county right of way to improve vision clearance and road user safety. The location and degree of work ensure that there will be no roadway impacts to natural resources, fish or wildlife habitat.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

11.137

**Policy 21: Environment**

**Work with ODFW and other partners to identify wildlife corridors and wildlife crossings on County roads, and ensure that project design is wildlife friendly.**

**Strategies**

- a) **Review and update Multnomah County Design and Construction Manual to include wildlife friendly design and construction options in the Zoning Ordinance and Transportation System Plan.**
- b) **Implement project prioritization criteria that address wildlife and climate change in the Capital Improvement Plan and Program.**
- c) **Improve identified wildlife crossings through the development and adoption of a countywide Transportation Capital Improvement Program (CIP) that includes projects that address deficient fish passage barriers and wildlife crossings.**

**Applicant:** *“The master plan does not plan for roadway improvements, nor does it require roadway improvements, that will impact any wildlife corridor/crossing on a county road.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within

	<p>the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.138	<p><b>Policy 22: Transportation Health</b>  <b>Ensure that the transportation system is designed to minimize negative health impacts and promote healthy behaviors and environments by:</b></p> <p><b>A. Improving safety for all modes</b></p> <p><b>Strategies</b></p> <p>a) <b>Lowering traffic speeds through speed limits, enforcement, and roadway design.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.139	<p>b) <b>Minimizing modal conflict by planning and building bicycle and pedestrian networks that encourage travel on low-traffic streets or off-street trails.</b></p> <p><b>Applicant:</b> <i>“Metro’s North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW McNamee, Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others.</i></p> <p><i>Additionally, as represented in the master plan, both Burlington and Ennis Creek Forests are shown as including sections of the regional Pacific Greenway trail. Burlington Creek Forest is located at the crossroads of the future Pacific Greenway and Helvetia regional trails. The BCF trails will advance the completion of a gap within the Pacific Greenway Trail, which is envisioned to one day extend from public lands in the Coast Range through BCF to Portland’s famed 5,157-acre Forest Park to the southeast. Trails at BCF will provide a crucial link from Portland’s urban parks and neighborhoods to the broader system of regional trails, including the Banks-Vernonia Trail, the CZ Trail, the planned Salmonberry Trail and the conceptual Helvetia Regional Trail within existing rail right-of-way.</i></p> <p><i>Supporting this master plan will implement strategies supporting regional trail planning and projects, as well as planned bicycle and pedestrian improvements which protect natural resources and habitat, all of which are represented in the master plan.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.140	<p>c) <b>Identifying and addressing real and perceived high crash corridors or hot spots with high crash rates.</b></p>

**Applicant:** *“To identify safety-related concerns at intersections near the master planned access site, crash data outlined in the Multnomah County TSP was evaluated for the following locations. The crash data evaluated in the County’s TSP was obtained from the Oregon Department of Transportation (ODOT) Crash Analysis and Reporting Unit Records for the period of 2007 to 2013.*

*US 30/NW McNamee Road: Review of the County’s TSP shows no crash patterns at this location for the period of 2007 through 2013. In addition, review of the most recent ODOT Crash Data for the period of 2013-2015 showed one non-fatal crash. This crash did not involve pedestrians and/or bicyclists.*

*NW McNamee Road/Burlington Site Access: Review of the County TSP shows that there were no crash patterns at this location for the period of 2007 through 2013. In addition, review of the most recent ODOT Crash Data for the period of 2013-2015 showed no crashes at this location.*

*NW McNamee Road/NW Skyline Boulevard: Review of the County’s TSP shows no crash patterns at this location for the period of 2007 and 2013. While NW Skyline Boulevard is one of the areas with a pattern of crashes, there is no pattern of crashes on NW Skyline Boulevard within approximately 500 feet of its intersection with NW McNamee Road. Review of the most recent ODOT Crash Data for the period of 2013- 2015 showed no crash at this intersection.*

*NW Skyline Boulevard/NW Cornelius Pass Road: Review of the County’s TSP revealed that this intersection is one of the locations with a pattern of crashes. Review of the most recent ODOT Crash Data for the period of 2013-2015 showed 6 non-fatal crashes at this intersection. Of the 6 crashes, 3 crashes are angle, 2 crashes are turning-movement, 1 crash is a sideswipe and 1 crash involved a fixed object. The crashes did not involve pedestrian and/or bicyclist.*

*US 30/NW Cornelius Pass Road: Review of the County’s TSP shows no crash patterns at this location for the period of 2007 and 2013. While this intersection is not identified as one of the intersections with crash patterns, NW Cornelius Pass Road and US 30 are identified as areas with crash patterns. In addition, review of the most recent ODOT Crash Data for the period 2013-2015 shows 14 nonfatal crashes. Of the 14 crashes 8 were rear-end, 3 were turning movement, 2 involved fixed objects and 1 involved sideswipe (overtaking) crashes. There were no crashes involving pedestrians and bicyclists.*

*Review of the crash history at the intersections associated with master planned access sites do not reveal any apparent safety deficiencies. Although two of the study intersections have a history of crashes, considering the availability of alternate routes, the crash frequency at these intersections is not likely to be exacerbated by small increase in trips at the project site. In addition, the county has planned projects to improve safety at these intersections. The projects are listed in the County’s Comprehensive Plan Updated for 2016 “Planned Project List”. This policy strategy is met.”*

**Staff:** *The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.141**

	<p><b>d) Incorporating safety-related features and best practices when designing new facilities or renovating existing facilities.</b></p> <p><b>Applicant:</b> <i>“Applicant’s master plan does not plan for roadway improvements, nor does it require roadway improvements. The Burlington access plan envisioned by the master plan will require minimal grading and vegetation removal adjacent to the county right of way to improve vision clearance and road user safety. The policy strategy is advanced.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.142	<p><b>e) Ensuring that vulnerable groups such as youth, elderly, low-income and disabled are engaged in planning and design efforts.</b></p> <p><b>Applicant:</b> <i>“Applicant’s master plan does not plan for roadway improvements, nor does it require roadway improvements. However, the access master plan process included robust community engagement, including five public meetings and the formation of a stakeholder advisory committee. This policy strategy is not applicable.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.143	<p><b>f) Supporting Safe Routes to School and other education and encouragement programs that teach people how to safely use the transportation system.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is not applicable.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.144	<p><b>g) Developing a transportation safety action plan.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County. Applicant’s master plan does not represent uses that require a site specific transportation safety action plan.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>

<p><b>11.145</b></p>	<p><b>h) Coordinating with land use planning for safe traffic control and parking at events and other peak use generators.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County. Applicant’s master plan does not represent uses associated with events and peak use generators.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.146</b></p>	<p><b>i) Coordinating with other agencies such as ODOT when appropriate.</b></p> <p><b>Applicant:</b> <i>“This policy strategy is directed at the County.”</i></p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<p><b>11.147</b></p>	<p><b>B. Increasing opportunities for physical activity by promoting active transportation modes (walking, bicycling, transit, and equestrian) and multimodal access to parks, trails, open space, and other recreational facilities and employment centers.</b></p> <p><b>Strategies</b></p> <ul style="list-style-type: none"> <li><b>a) Building out multimodal transportation networks.</b></li> <li><b>b) Ensuring safe, convenient, multimodal access to parks, trails, open space and other recreational facilities and employment centers.</b></li> <li><b>c) Supporting Safe Routes to School and other education and encouragement programs that teach and encourage people to safely use active transportation modes.</b></li> <li><b>d) Partnering with the Multnomah County Health Department on health promotion and chronic disease prevention programs and initiatives that focus on increasing physical activity.</b></li> </ul> <p><b>Applicant:</b> <i>“This policy is directed at the County. However, Metro’s planned improvements at Burlington Creek Forest promote the policy and policy strategies by planning for a recreational facility in proximity to county residents, with visitors having the option of riding a bike or taking a Tri-met bus in close proximity to the trailhead.</i></p> <p><i>The public recreational facilities represent a sustainable vision of accessing nature close to home. One of the objectives of Metro’s Parks and Nature program is provide access and natural area experience in close proximity to our urban environment to reduce vehicle miles traveled, versus being required to travel to the coast range or Mt. Hood forest. Improvements master planned within the North Tualatin Mountains meet that goal.</i></p> <p><i>Also, Metro’s North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW McNamee,</i></p>

*Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others.*

*Additionally, as represented in the master plan, both Burlington and Ennis Creek Forests are shown as including sections of regional trails. Burlington Creek Forest is located at the crossroads of the future Pacific Greenway and Helvetia regional trails. The BCF trails will advance the completion of a gap within the Pacific Greenway Trail, which is envisioned to one day extend from public lands in the Coast Range through BCF to Portland’s famed 5,157-acre Forest Park to the southeast. Trails at BCF will provide a crucial link from Portland’s urban parks and neighborhoods to the broader system of regional trails, including the Banks-Vernonia Trail, the CZ Trail, the planned Salmonberry Trail and the conceptual Helvetia Regional Trail within existing rail right-of-way.*

*Supporting this master plan will implement strategies specifically represented above that direct the County to support access to parks and recreational opportunities, which are represented in the master plan.*

*The proposed trail network creates diverse trail experiences with respect to setting, education opportunities, and challenge levels. A sustainably designed shared-use trail system will connect visitors to nature and wildlife while minimizing impacts to natural resources.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.148**

**C. Ensuring multimodal access to health supportive resources such as healthy food retail, employment, affordable housing, and parks and recreation facilities.**

**Strategies**

- a) Coordinating land use planning to ensure that such resources are easily accessible by multiple modes.**
- b) Working with transit providers to ensure that service plans are coordinated with development.**
- c) Working with transit providers to ensure that bicycle and pedestrian improvements support transit use.**
- d) Ensuring site design guidelines and requirements provide and promote multimodal site access and circulation, and appropriate connections.**

**Applicant:** *“This policy is directed at the County. However, Metro’s planned improvements at Burlington Creek Forest promote the policy and policy strategies by planning for a recreational facility in proximity to county residents, with visitors having the option of riding a bike or taking a Tri-met bus in close proximity to the trailhead.*

*The public recreational facilities represent a sustainable vision of accessing nature close to home. One of the objectives of Metro’s Parks and Nature program is provide access and natural area experience in close proximity to our urban environment to reduce vehicle miles traveled, versus being required to travel to the coast range or Mt. Hood forest. Improvements master planned within the North Tualatin Mountains meets that goal.*

*Also, Metro’s North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW McNamee, Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others. Improvements planned at both Burlington Creek Forest and McCarthy Creek Forest will provide a safe stopping place where area cyclists may rest and relax. Bike racks and a toilet facility are planned at each site.*

*Additionally, as represented in the master plan, both Burlington and Ennis Creek Forests are shown as including sections of the regional Pacific Greenway trail. Burlington Creek Forest is located at the crossroads of the future Pacific Greenway and Helvetia regional trails. The BCF trails will advance the completion of a gap within the Pacific Greenway Trail, which is envisioned to one day extend from public lands in the Coast Range through BCF to Portland’s famed 5,157-acre Forest Park to the southeast. Trails at BCF will provide a crucial link from Portland’s urban parks and neighborhoods to the broader system of regional trails, including the Banks-Vernonia Trail, the CZ Trail, the planned Salmonberry Trail and the conceptual Helvetia Regional Trail within existing rail right-of-way.*

*Supporting this master plan will implement strategies specifically represented above that direct the County to support access to parks and recreational opportunities, which are represented in the master plan.*

*The proposed trail network creates diverse trail experiences with respect to setting, education opportunities, and challenge levels. A sustainably designed shared-use trail system will connect visitors to nature and wildlife while minimizing impacts to natural resources.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.149**

**D. Reducing exposure to air, light, and noise pollutants**

**Strategies**

- a) Encouraging programs that reduce dependence on single occupant vehicle miles travelled and increasing use of electric and low emission vehicles.**
- b) Encouraging bicyclists and pedestrians to use parallel low traffic streets where possible instead of high traffic roadways.**
- c) Coordinating transportation and land use planning to avoid locating sensitive land uses near high traffic roadways. Sensitive land uses include schools, parks and playfields, community and senior centers, affordable housing, and other places where vulnerable groups such as youth, seniors, and people with low incomes spend significant amounts of time.**
- d) Establishing vegetative buffers (trees and shrubs) along roadways to filter and reduce the air and light pollutants.**
- e) Implementing anti-idling campaigns around schools, road construction zones, and other places where drivers tend to idle.**
- f) Using paving materials that are designed to minimize the production of road noise.**

**Applicant:** *“This policy is directed at the County. However, Metro’s planned improvements at Burlington Creek Forest promote the policy and policy strategies by planning for a recreational facility in proximity to county residents, with visitors having the option of riding a bike or taking a Tri-met bus in close proximity to the trailhead.*

*The public recreational facilities represent a sustainable vision of accessing nature close to home. One of the objectives of Metro’s Parks and Nature program is provide access and natural area experience in close proximity to our urban environment to reduce vehicle miles traveled, versus being required to travel to the coast range or Mt. Hood forest. Improvements master planned within the North Tualatin Mountains meet that goal.*

*Also, Metro’s North Tualatin Mountain properties are uniquely situated in an area the County has designated for bicycle improvements, including a proposed shared roadway along NW McNamee, Newberry, and Germantown Roads, proposed bikeways along NW Skyline and Springville Roads, and a proposed off-street bikeway along Cornelius Pass Road, among others.*

*Additionally, as represented in the master plan, both Burlington and Ennis Creek Forests are shown as including sections of the regional Pacific Greenway trail. BCF is located at the crossroads of the future Pacific Greenway and Helvetia regional trails. The BCF trails will advance the completion of a gap within the Pacific Greenway Trail, which is envisioned to one day extend from public lands in the Coast Range through BCF to Portland’s famed 5,157-acre Forest Park to the southeast. Trails at BCF will provide a crucial link from Portland’s urban parks and neighborhoods to the broader system of regional trails, including the Banks-Vernonia Trail, the CZ Trail, the planned Salmonberry Trail and the conceptual Helvetia Regional Trail within existing rail right-of-way.*

*Supporting this master plan will implement strategies specifically represented above that direct the County to support access to parks and recreational opportunities, which are represented in the master plan.*

*The proposed trail network creates diverse trail experiences with respect to setting, education opportunities, and challenge levels. The existing forest at both Burlington and McCarthy Creek Forest serves as a vegetated buffer and promotes healthy air. A sustainably designed shared-use trail system will connect visitors to nature and wildlife while minimizing impacts to natural resources.”*

**Staff:** *The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.150**

**E. Working with Multnomah County Health Department staff to ensure that the TSP and related planning documents incorporate the findings and recommendations from the most recent versions of their Community Health Assessment and Community Health Improvement Plan.**

**Strategies**

- a) **Having relevant health department staff serve on planning related technical and advisory committees.**
- b) **Having relevant planning staff participate in the development of the community health assessments and community health improvement plans.**

**Applicant:** *“This policy and policy strategies are directed at the County.”*

**Staff:** The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. *Since this goal/policy is directed at the County, it is not applicable to the applicant.*

**11.151**

**Policy 23: Transportation Equity**

**Ensure that transportation system plans and investments not only equitably distribute the benefits and burdens of the system improvements, but also prioritize and support programs and projects that eliminate transportation-related disparities faced by groups that have historically had significant unmet transportation needs or who have experienced disproportionate negative impacts from the existing transportation system.**

**Strategies**

- a) **Incorporation of project prioritization criteria that address equity in the County Capital improvement Plan and Program to address investments in road, bicycle, and pedestrian programs and infrastructure in order to improve mobility and access for people who don’t have access to a personal vehicle.**
- b) **Investments in areas with relatively high concentrations of people that have historically received relatively little benefit from transportation system investments should be considered. These people include:**
  - a. **People who cannot drive. People in this category include many older adults, children, and persons with disabilities.**
  - b. **People experiencing poverty, including those who do not have access to a car, are struggling with the high costs of car ownership, maintenance, and operation, or are struggling with the cost of transit. People in this category include many people with low incomes, people of color, older adults, persons with disabilities, people who are geographically isolated, and people who experience language barriers.**
  - c. **People with limited mobility. People in this category include many older adults and persons with disabilities.**
  - d. **Isolated individuals living far from community centers and lacking direct routes for accessing goods and services.**
  - e. **Communities experiencing racism and discrimination.**
- c) **Coordinating transportation planning with land use and development to avoid locating sensitive land uses near high traffic roadways. Sensitive land uses include schools, parks and playfields, community and senior centers, affordable housing, and other places where vulnerable groups such as youth, seniors, and people with low incomes spend significant amounts of time.**
- d) **Coordinating transportation planning with land use and development to ensure that new development is well connected with existing development and provides convenient multi-modal access to health supportive resources such as schools, healthy food retail, employment, affordable housing, parks and recreation facilities, and medical and social services.**

- e) **Ensure that public participation includes outreach to equity focused or population specific organizations or culturally specific organizations and explore partnerships with these groups to develop the capacity to effectively participate in planning processes.**
- f) **Working with the Multnomah County Office of Diversity and Equity to use their Equity and Empowerment Lens tool to ensure that county planning staff and project stakeholders are prepared to engage in internal and external conversations about equity and use this input to inform plans, policies and projects.**
- g) **Conducting equity analyses that identify existing disparities as a part of county planning processes.**
- h) **Gathering available data and public input useful for understanding equity issues, impacts and opportunities.**

**Applicant:** *“This policy directive and policy strategies are directed at the County. However, access improvements envisioned in the master plan include new natural surface trails that will enhance trail connectivity within the region while providing public access to a new nature park. This asset is an important part of providing healthy recreational opportunities for County residents in close proximity to home and will promote conservation efforts to sustain this natural area for future generations. Trails will lead users to the adjacent Forest Park Conservancy’s Ancient Forest Preserve, only accessible from Burlington Creek Forest.*

*The Burlington Creek site offers opportunities for kids from the nearby Skyline Elementary School to access and learn about nature. During the planning process, Metro’s nature education staff engaged with children and teachers from Skyline School to share opportunities for learning about nature in their neighborhood within the North Tualatin Mountains. Due to the close proximity of Burlington Creek Forest and McCarthy Creek Forest to Skyline School, youth will have easy access to nature at Metro’s newest nature park.*

*An investment in Metro’s nature parks ensures a public benefit informed by principles of diversity, equity and inclusion. This important work includes providing parks and natural areas welcoming to all people so future park visitors reflect our region’s growing diversity.*

*Metro's commitment to the principles of diversity, equity and inclusion inform the selection of this project site and future plans for community education. The project Stakeholder Advisory Committee affirmed the importance of Burlington Creek Forest’s proximity and accessibility from the diverse neighborhoods of inner North and Northeast Portland, located just across the St. Johns Bridge and Oregon Highway 30, which leads to the trailhead.*

*Since 2014, Metro has partnered with the non-profit Self Enhancement Inc. (SEI) to connect hundreds of at-risk youth of color with nature programming at North Tualatin Mountains' North Abbey Creek and McCarthy Creek sites. During the park planning process, SEI youth were exposed to nature education and conducted a joint planting party with the Northwest Trail Alliance. Unfortunately, Burlington Creek Forest, in its current state, is not feasible for programming with youth as young as middle school age due to the lack of infrastructure such as formal parking, restrooms, shelter and wayfinding. Until such features are in place, SEI program opportunities will be limited to short-duration visits focused on high school students. Outreach to and partnerships with marginalized communities for nature education and engagement will expand once trail construction is completed.”*

	<p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
11.152	<p><b>Policy 24: TDM, Outreach and Transit</b>  <b>On rural roads with heavy through traffic, consider implementing appropriate measures such as Transportation Demand Management (TDM) to reduce such traffic.</b></p> <p><b>Applicant:</b> “<i>This policy is directed at the County. However, as demonstrated by usage maps, the area rural road, except for Cornelius Pass Road, cannot be classified as heavy through traffic roads.</i>”</p> <p><b>Staff:</b> The Transportation System Plan (TSP), as part of the Comprehensive Plan, creates a vision and strategy for the transportation system across the County. This goal/policy, as identified within the TSP, is a policy directive for Transportation and will be applied to specific projects as they go through the transportation review process. <i>Since this goal/policy is directed at the County, it is not applicable to the applicant.</i></p>
<b>12.00 Transportation Development Review</b>	
12.01	<p><b>Staff:</b></p> <p>The applicant is proposing a new park at the Burlington Creek Forest site and as part of the development proposal, the applicant is improving an existing forest practice road and reconfiguring the access onto NW McNamee Road. The access onto NW McNamee Road currently does not meet County sight distance requirements and the applicant has applied for a Road Rules Variance from the standard.</p>
12.02	<p><b><u>4.000 Access to County Roads</u></b>  <b>4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:</b></p> <ul style="list-style-type: none"> <li><b>A. Site Plan;</b></li> <li><b>B. Traffic Study-completed by a registered traffic engineer;</b></li> <li><b>C. Access Analysis-completed by a registered traffic engineer;</b></li> <li><b>D. Sight Distance Certification from a registered traffic engineer; and</b></li> <li><b>E. Other site-specific information requested by the County Engineer</b></li> </ul> <p><b>Staff:</b> Applicants for a new or reconfigured access may be required to submit a number of documents. As determined through the submitted Pre-Application, the Applicant was asked to submit a traffic study and sight distance analysis.</p> <p>The applicant submitted the following documentation to support their application: Site plans of the access improvements, including off-site grading activities to improve the sight distance (Exhibit A.3.37), Traffic Impact Studies and Analyses (Exhibits A.3.19 and A.15), and Sight Distance certification (Exhibits A.3.19 and Exhibit A.17). <i>This criterion is met.</i></p>
12.03	<p><b>4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.</b></p>

	<p><b>Staff:</b> One access point/driveway is allowed for this property. The applicant is proposing to improve an existing access road and reconfigure the access point onto NW McNamee Rd that will be the formal public access point/driveway to the proposed Burlington Creek Forest site (Exhibit A.3.37, page 3 of 5). There are no additional access points/driveways from a Multnomah County road proposed in this application. <i>This criterion is met.</i></p>
12.04	<p><b>4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.</b></p> <p><b>Staff:</b> Access spacing standards in the Multnomah County Design and Construction Manual (MCDCM) are based on the County road’s functional classification. The MCDCM Section 1.2.4 defines access spacing standards based on different road classifications. There are no spacing requirements for Rural Local roads. NW McNamee Road is classified as a Rural Local road, therefore, there are no spacing requirements for the proposed access point on NW McNamee Road. <i>This criterion is not applicable.</i></p>
12.05	<p><b>4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.</b></p> <p><b>Staff:</b> Access widths defined in the MCDCM Section 1.2.4 are based on land use type, and include minimum and maximum driveway widths. The minimum and maximum access widths for Commercial use is the most applicable. According to the MCDCM, the minimum width for a commercial access is 6 meters (roughly 19.7 feet), and the maximum width is 10.5 meters (roughly 34.4 feet).</p> <p>Site plans (Exhibit A.3.37) submitted by the applicant show that the proposed access will be 20-foot wide (with a 40 foot apron), which does not meet the access width standards for a commercial use established in the MCDCM. The applicant will be required to meet maximum County standards for access width (35 feet) at the County ROW (Condition J.5). <i>As conditioned, this criterion is met.</i></p>
12.06	<p><b>4.500 Sight Distance: All new access points to roads under the County’s jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO’s A Policy on Geometric Design of Highways and Streets.</b></p> <p><b>Staff:</b> Sight distance is defined in the MCDCM Section 2.4.1 to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. This stopping sight distance is the sum of the break reaction distance and the braking distance.</p> <p>The speed limit for MW McNamee Road is 55mph and the sight distance available to the south for northbound drivers (with a downgrade) is approximately 290 feet. The sight distance available to the north for southbound drivers (with an upgrade) is approximately 330 feet. According to the AASHTO Green Book, a minimum distance of 425 feet is required for stopping sight distance for level roadways. Due to the grade in this area, the required stopping sight distance for northbound drivers is at least 593 feet and 433 for southbound drivers. Sight distance minimums are not able to be met. The applicant’s traffic impact analysis acknowledges that the proposed access does not meet the minimum sight distance standards established in the MCDCM and in AASHTO’s A Policy on Geometric Design of Highways and Streets (See Exhibit A.15.35).</p> <p><i>Criterion not met.</i></p> <p>The applicant has applied for a Road Rules Variance given the topographical and site limitations at the proposed access point. The Road Rules Variance criteria are discussed in Section 12.25 below.</p>

12.07	<p><b>4.600 County Road Projects:</b> When the County conducts a public works project that includes frontage or other improvements to a County road as part of a Capital Improvement Project, the following conditions are applicable:</p> <ul style="list-style-type: none"> <li>A. Driveway drops will be in their existing location, or in an alternative location that can be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.</li> <li>B. Only one driveway drop per frontage will be constructed by the County unless permits for multiple driveways exist or a Variance Request for an additional driveway is granted by the County Engineer. The location of consolidated access points will be determined by the County Engineer. Undeveloped parcels will not have any driveway drops constructed by the County unless an access is already permitted or a Variance Request for a driveway is granted by the County Engineer.</li> <li>C. Driveway drops will be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.</li> </ul> <p><b>Staff:</b> These criteria apply only to proposals that are public improvements completed by Multnomah County, which this proposal is not. <i>These criteria are not applicable.</i></p>
12.08	<p><b>5.000 Transportation Impact</b></p> <p><b>5.100</b> To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:</p> <ul style="list-style-type: none"> <li>A. Calculations from the most recent edition of the Institute of Transportation Engineers’ Trip Generation (ITE); or</li> <li>B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.</li> </ul> <p><b>Staff:</b> To determine whether a proposal generates a transportation impact, the County can draw from the ITE’s Trip Generation Manual or from a transportation impact study conducted and signed by an Oregon Professional Engineer. The applicant has submitted a transportation impact study completed by a registered engineer in the state of Oregon (requirement B). <i>This criterion has been met.</i></p>
12.09	<p><b>5.200</b> The County Engineer will use the information obtained pursuant to sub-section 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.</p> <p><b>Staff:</b> This criterion establishes that the County will use the information from MCRR 5.100 to determine a pro-rata share of improvements, per MCRR 6.000, if there is a transportation impact (see MCRR 5.300 below). The applicant submitted sufficient information for the County to make a determination (see MCRR 5.100 above). Improvements are discussed in Section 12.11 below. <i>This criterion is met.</i></p>
12.10	<p><b>5.300</b> Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a transportation impact.</p>

	<p><b>Staff:</b> This criterion sets out that a transportation impact will be generated if the proposal generates trips according to one, or more, of the three qualifying criteria:</p> <ul style="list-style-type: none"> <li>● by more than 20 percent,</li> <li>● by more than 100 trips per day; or</li> <li>● by more than 10 trips in the peak hour</li> </ul> <p>The applicant’s Traffic Impact Analysis (Exhibit A.15, “Burlington Creek Forest Area Traffic Impact Analysis,” prepared by Nemariam Engineers &amp; Associates, LLC, dated September 25, 2018), shows that the proposed improvements to the Burlington Creek Forest site will generate approximately 209 vehicle trips per day on non-peak days (Tuesday through Thursday), and approximately 226 vehicle trips per day on peak days (Friday through Monday) during the high season months of May through August. Estimating trips between May 1 and August 31 provide a “worst case scenario” from which to plan and require mitigation.</p> <p><i>As the site generated trips will exceed 100 trips per day, the proposal is found to have a transportation impact.</i></p>
12.11	<p><b><u>6.000 Improvement Requirements</u></b></p> <p><b>6.100 Site Development:</b> The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:</p> <p><b>A. Dedication Requirement:</b> The owner is responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.</p> <p><b>Staff:</b> Criterion A establishes that, where there is a transportation impact, and the ROW width is below the County Standard according to its road classification, that applicants may be required to dedicate ROW.</p> <p>The County standard right of way width for a rural local road facility is 60 feet (Table 2.2.5 in MCDCM, Exhibit A.B). The current width of NW McNamee Road is 60 feet. <i>No right of way dedication is required.</i></p>
12.12	<p><b>B. Frontage Improvement Requirements:</b> In addition to easement and right-of-way dedication requirements, a pro-rata share may include half-street improvements along all of the site’s County Road frontage(s). Improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:</p> <ol style="list-style-type: none"> <li>1. Street widening/improvement</li> <li>2. Utility cut restoration</li> <li>3. Curb and sidewalk</li> <li>4. Driveway relocation/replacement/removal</li> <li>5. Traffic controls</li> <li>6. Drainage facilities</li> </ol>

- 7. Lighting facilities
- 8. Bicycle facilities
- 9. ADA ramp construction/reconstruction
- 10. Signal conduit facilities
- 11. Street trees
- 12. Other appropriate facility requirements

**Staff:** Criterion B establishes that, where there is a transportation impact, pro-rata share of frontage improvements may be required to meet County Design and Construction Manual standards.

As established in Section 12.10 above, the proposal results in a transportation impact. Right of way improvements are required to mitigate the impacts of the transportation impact generated by the proposed development. From the above list of improvements, the following are not applicable: 1. Street widening/improvement, 2. Utility cut restoration, 3. Curb and sidewalk, 5. Traffic controls, 7. Lighting facilities, 8. Bicycle facilities, 9. ADA ramp construction/reconstruction, 10. Signal conduit facilities, and 11. Street trees.

County staff will require the following improvements be constructed prior to opening:

- 4. Driveway relocation/replacement/removal
  - To ensure maximum safety of ingress and egress at the intersection with McNamee Road, the reconfigured access:
    - shall be perpendicular to the roadway;
    - shall be raised such that a full vehicle length waiting at the edge of the roadway will be level with the road to improve sight distance. (condition J.1)
  - The driveway access will have a paved apron 20 feet deep into the access road [ODOT standard drawing RD715, MCDCM 2.2.1(4)] to prevent erosion of the existing roadway surface on McNamee Road; (condition J.5)
- 6. Drainage facilities
  - Where applicable, the reconfigured access shall include a culvert to mitigate the impacts of the proposed development’s impervious surface as well as from the roadway that serves it. (condition J.1)
- 12. Other appropriate facility requirements
  - The County is requiring No Parking signage along the frontage and off-site. Refer to 8.000 for additional details. (condition J.4)

All of these improvements will be required in accordance with the construction permit (see Section 12.11 below). *As conditioned, this criterion is met.*

12.13

**6.200 Land Division: Right-of-way and easement dedications needed to meet County standards may be required as a condition of all land divisions. Improvements will be required when there will be no further opportunity for County comment on the development of the subject property through a mechanism such as design review. Land Divisions that create flag lots will be required to make frontage improvements along the entire length of the parent lot. The County Engineer may allow deferral of this improvement requirement until development of the flag lot(s) occurs. When further reviews or approvals will be necessary before development can occur, the County Engineer may allow deferral of those improvement requirements and not apply them to land division proposals.**

	<p><b>Staff:</b> This criterion establishes that right-of way and easement dedications may be required as a condition of a land division proposal. The applicant’s proposal is not a land division. <i>This criterion is not applicable.</i></p>
12.14	<p><b>6.250 Lot-Line Adjustments: Right-of-way and easement dedications needed to meet County standards may be required as a condition of a lot-line adjustment. Lot line adjustments that would result in a reduction of the County road frontage of a lot planned for development or redevelopment may be conditioned to provide right-of-way and easement dedications, as well as deed restrictions committing the owner to improve the reconfigured lot’s frontage to County standards.</b></p> <p><b>Staff:</b> This criterion establishes that right-of way and easement dedications may be required as a condition of a lot line adjustment proposal. The applicant’s proposal does not include a lot-line adjustment. <i>This criterion is not applicable.</i></p>
12.15	<p><b>6.300 Zone Change: A Transportation impact study over the 20-year planning horizon will be required for all zone changes that would allow more intensive use of a site than allowed by the site’s existing zoning. Improvement requirements for zone changes will be based upon, but not bound by, the needs identified in the transportation impact study.</b></p> <p><b>Staff:</b> This criterion establishes that a transportation impact study, including a 20-year horizon, will be required for land use proposals for a zone change. The applicant has submitted two concurrent land use applications. The proposed Comprehensive Plan Amendment (T4-2017-9166) involves a zone change. The applicant submitted a transportation impact study (Exhibit A.15), which includes a 20-year horizon required by this criterion. <i>This criterion is met.</i></p>
12.16	<p><b><u>7.000 Transportation Impact Studies</u></b></p> <p><b>7.100 The County Engineer may require that a transportation impact study be submitted to the County as a part of a land development proposal at the Engineer’s discretion. The scope of the study will be set by the County Engineer and by the standards in the Design and Construction Manual. The County may develop conditions of approval based upon the findings of a traffic study, but the County is not bound by those findings.</b></p> <p><b>Staff:</b> This criterion establishes that the County may request a transportation impact study to be submitted as part of a land development proposal. The study, and its scope, can be requested at the discretion of the County. As noted in the responses to 4.000 and 5.100, the applicant has submitted Traffic Impact Analysis documentation to support the land use and road rules variance applications. The County provided input on the scope of these documents. Information provided in the Traffic Impact Analysis documentation (Exhibit A.15) informs the County’s transportation review (see 5.100, 5.200 and 5.300 above), staff findings, and the conditions of approval. <i>This criterion is met.</i></p>
12.17	<p><b><u>8.000 Off-site Improvement Requirements</u></b></p> <p><b>8.100 It is County policy to require off-site improvements as a condition of a site development permit to satisfy safety requirements, development created capacity needs, County road maintenance requirements, Uniform Fire Code requirements, ADA requirements and other public service requirements, and to protect the public from the detrimental effects of a proposed development.</b></p> <p><b>The most common applications of these requirements are:</b></p> <p><b>A. Connecting street sections which do not abut the development</b></p> <p><b>1. A land division creating a public road shall be responsible for the cost of constructing a continuous, standard County road to a connection with the nearest publicly maintained road.</b></p>

	<p>2. Any development utilizing a local access road must provide a road that conforms to the requirements of the Design and Construction Manual from their frontage improvement to the nearest publicly maintained road.</p> <p>3. Any land development which has been determined to be responsible for the dedication of a half-street right-of-way and is required to improve the street as a condition of approval, must acquire/provide additional right-of-way or easement, or an acceptable modified street design, in order to provide a two-way paved road, approved by the County and the fire district, across the frontage and to a connection with a publicly maintained road.</p> <p><b>B. Multiple unit developments, subdivisions, and high pedestrian or traffic generators may be required to provide additional travel lanes, left auxiliary lanes, sidewalks or other pedestrian facilities, and/or signalization on off-site facilities. Improvement requirements will be based upon the additional traffic generated by the development that result in conditions that exceed the design capacity of the facility, create a safety hazard or create an on-going maintenance problem.</b></p> <p><b>Staff:</b> The criteria set out in 8.000 establish that off-site improvements are required when the impact of a proposed development necessitates mitigation for the public health, safety and welfare of the travelling public.</p> <p>As established in the staff response to 4.500, the applicant cannot meet the stopping-sight distance set out in County and AASHTO A Policy on Geometric Design of Highways and Streets standards. The applicant has sought a Road Rules Variance from this standard. This is discussed fully in Section 12.25 below.</p> <p>Parking restrictions will be required to ensure both the safety and efficiency of traffic flow for vehicles traveling on the roadway system. Signage is required as a mitigation measure. The County will require the following (Condition J.2):</p> <ul style="list-style-type: none"> <li>● Prohibit parking within 1,000 feet of frontage from the access on NW McNamee Rd (western, southbound frontage only for 500 feet on either side of the driveway).</li> <li>● Signage to warn of upcoming intersection ahead 500-feet from driveway for both northbound and southbound traffic.</li> <li>● Sign installation prior to park opening. The applicant is required to reimburse Multnomah County for the installation cost of these signs (see also 9.500 below).</li> </ul> <p>Should the applicant wish to install directional/way finding signs within the County’s right of way to inform the travelling public about the entrance to Burlington Creek Nature Park, the applicant is required to obtain a Right of Way / Encroachment Permit. The applicant is required to reimburse Multnomah County for the installation cost of these signs (Conditions J.2 and J.4). <i>As conditioned, this criterion is met.</i></p>
12.18	<p><b><u>9.000 Compliance Method</u></b></p> <p><b>9.100 Once frontage or off-site improvement requirements have been established, one or any combination of the following methods must be used to satisfy those requirements:</b></p> <p><b>9.200 Construction Permit: Property owner/developer must obtain a County Permit under Section 18 to construct any of the required improvements.</b></p> <p><b>9.300 Payment in-lieu-of Construction: County may at its discretion authorize payment in lieu rather than construction of improvements if the County determines that there is a benefit to the public in delaying the construction of the development</b></p>

related improvements or combining the improvements with a larger County project. In lieu of construction by the property owner, the County Engineer may require a cash payment in order to satisfy improvement requirements established as a condition of a development permit. Payment will be administered through a Payment in-Lieu-of Construction Agreement, as described in section 18.225 of these rules.

**9.400 Non-Remonstrance Agreement:** This agreement shall be recorded in the County's Deed Records against the affected property and "runs with the land", thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the County Engineer may require a temporary improvement appropriate to the circumstances.

**9.500 Project Agreement:** The County, the developer and the property owner execute a written agreement to share the costs of design and construction of a road project consistent with any applicable laws and regulations. The agreement shall identify the roles and responsibilities of the parties and must be signed by both the County Engineer and the developer and all property owners.

**Staff:** This criterion sets out the methods the County can use to ensure applicants comply with the County's transportation requirements. These methods may include one or more of the following: construction permit (9.200); payment in-lieu of construction (9.300); entering a non-remonstrance agreement (9.400) and/or a project agreement (9.500).

As noted in the findings for 6.100(B), the applicant's proposal generates a transportation impact and thus must comply with their pro-rata share of the frontage improvements along NW McNamee Road. The applicant is required to meet the following compliance requirements:

- Apply for a Construction Permit, which includes the grading and demonstration of sight-distance of 435 feet in the northbound direction and 260 feet in the southbound direction, to satisfy County safety requirements (as described in 16.225). This includes the necessary visual clearance improvements along at the intersection of the proposed access to NW McNamee Road (Condition J.1). [MCRR 9.200]
- A project agreement will be established between Metro and the County to establish terms and conditions of payment amount/timing, installation, and maintenance of signs required, as required in Section 12.17 (Condition J.4). [MCRR 9.500]. The project agreement must be executed prior to opening of the development to the public. *As conditioned, this criterion is met.*

12.19

**10.000 Corridor Specific Cross-Section Overlay**

**10.100** In addition to a set of standard cross-sections set forth in the Design and Construction Manual at Section 2.2 (2000), the County may develop a corridor specific cross-section overlay design for all or a portion of a County road, but only in the following circumstances:

- A. A topographical, environmental or other constraint makes it unfeasible or undesirable to construct a typical cross-section within the corridor;**
- B. The set of land uses within the corridor will be best served by a non-standard cross-section;**
- C. The corridor is identified as a suitable location for a cross-section pilot project, such as a Green Street design;**
- D. The corridor is identified as a Boulevard in the Regional Transportation Plan; or**

	<p><b>E. The corridor is identified as a freight route in the Regional Transportation Plan or other adopted plan, or the route serves industrial or manufacturing uses that generate a high percentage of freight traffic.</b></p> <p><b>10.200 A corridor specific cross-section overlay design as allowed under this Section for a County road, must be developed in cooperation with any cities through which the road passes and adopted by the Board. Once a cross-section overlay has been adopted, it will be used for all future improvements within the corridor, including developer-initiated improvements.</b></p> <p><b>Staff:</b> Section 10 of the Multnomah County Road Rules applies to Multnomah County roads with a designated cross-section overlay as described in subsections A through E above. The proposed development of the Burlington Creek Forest site takes direct access from, and has frontage along, NW McNamee Road, a rural local road in unincorporated Multnomah County. NW McNamee Road does not have a designated corridor specific cross-section overlay. <i>Therefore, this criterion is not applicable.</i></p>
12.20	<p><b><u>11.000 Local Access Roads</u></b></p> <p><b>11.100 Improvement Requirements: Any new development where access is to be to a Local Access Road and the development is found to have a transportation impact will require the developer to improve the Local Access Road. The developer shall make appropriate improvements along the frontage of the developed property or a greater distance if the transportation impact warrants additional road improvements. Such additional improvements shall not extend beyond the nearest intersection with a publicly maintained road. Improvements will be constructed in a manner consistent with the standards provided in the Design and Construction Manual.</b></p> <p><b>Staff:</b> A local access road is a public road under Multnomah County jurisdiction that is outside a city and is not a county road, state highway or federal road. Pursuant to ORS 368.031, the County is not responsible for maintaining, repairing or improving a local access road; County funds shall only be spent on local access roads in the case of an emergency, or through a recommended project, granted approval through order or resolution by the county’s governing body deeming it in the public interest to do so.</p> <p>It is common for older subdivisions to have unbuilt local access roads, such as is the case with the Burlington Creek Forest Site. Exhibit A.3.43 shows the dense network of largely unbuilt local access road rights of way throughout the eighteen parcels that make up the Burlington Creek Forest site, originating from a subdivision plat recorded in 1909. The proposed development of the access improvements and visitor amenities at the site triggers the above requirement to improve the frontages of the local access roads abutting a Burlington Creek Forest parcel.</p> <p>At the County’s suggestion from the pre-application meeting held March 30, 2017, the applicant sought, and gained approval for, right of way vacations for the local access roads within the Burlington Creek Forest site (Exhibit B.74). As the applicant met all the requirements, the site no longer contains, or abuts, local access roads. <i>This criterion is not applicable.</i></p>
12.21	<p><b><u>12.000 Private Roads</u></b></p> <p><b>12.100 Authority: Private roads are not subject to the authority of the County Transportation regulations and rules. Authority over private roads belongs to the land use and planning jurisdiction where the private road is located.</b></p> <p><b>Staff:</b> This criterion establishes that the County Transportation has no jurisdiction over private roads. The County recognizes that the roads that were previously classified as local access roads</p>

	<p>within the applicant's site at the time of the application have now been vacated (see 11.000). These roads are now private and not subject to County Transportation standards. <i>This criterion is not applicable.</i></p>
12.22	<p><b><u>13.000 Temporary Road Closures</u></b></p> <p><b>13.100 When Applicable: A road is considered closed under this Section when all of its lanes are closed to through traffic for any extended period of time not less than one hour for the purposes of authorized road work as provided under these Rules. Temporary road closures for Special Events are not subject to this Section and are regulated under Section 21 of these Rules. ....</b></p> <p><b>Staff:</b> This criterion requires applicants to obtain permits for temporary road closures when all lanes of the road are closed to through traffic. The applicant is not proposing any temporary road closures as part of this land use application. <i>This criterion is not applicable.</i></p>
12.23	<p><b><u>14.000 Vacation of Right-of-Way</u></b></p> <p><b>14.100 Except as provided herein all Vacation of Right-of-Way proceedings shall be conducted in a manner consistent with ORS 368.126, ORS 368.326 to 365.366 and the Multnomah County Code.</b></p> <p><b>14.200 Preliminary Feasibility Study: An abutting property owner may request the County Transportation Division prepare a Preliminary Feasibility Study (PFS) to evaluate a proposal for the vacation of County controlled right-of-way.</b></p> <p><b>14.300 Fees, Timeline and Scope: A request for a PFS shall require a non-refundable fee as established by County Resolution. The County's timeline to prepare the PFS shall be flexible, dependent upon staff availability and resources to perform the task, but shall be produced no later than 45 days from the receipt of the required fee. The focus and scope of the PFS will be to assess whether the vacation serves the public interest and is consistent with all applicable State, Regional and Local plans for the County's planning and transportation needs. The PFS shall contain findings sufficient to support the conclusion to recommend, recommend as modified or reject the proposed vacation and shall be signed by the County Engineer. The County Engineer will not make a supportive recommendation if the PFS establishes that any of the following circumstances apply:</b></p> <ul style="list-style-type: none"> <li><b>A. The existing right-of-way currently serves a road purpose or other public purpose;</b></li> <li><b>B. The existing right-of-way will serve a road purpose or other public purpose in the foreseeable future; or</b></li> <li><b>C. A Land Use code violation exists on the property owned by the petitioner.</b></li> </ul> <p><b>14.400 Formal Vacation Request: After the completion of a Preliminary Feasibility Study for the vacation of a County right-of-way, a Vacation Petition may be submitted to the County pursuant to ORS 368.341(1)(c), and must include:</b></p> <p><b>Legal description of the property to be vacated, including all easements ...</b></p> <p><b>Staff:</b> Section 14.000 set out the parameters and procedures that the County requires to review an application for vacation of right-of-way. During a pre-application conference on March 30, 2017, Multnomah County staff advised the applicant to vacate a number of unbuilt local access roads from the Burlington subdivision plat recorded in 1909 (see Exhibit A.3.29 for pre-application conference notes, and Exhibit A.11.4 for a copy of the plat). The applicant requested a Preliminary Feasibility Study on November 31, 2017 (see Exhibit A.25). On September 19, 2018, provided conditions were met, the County supported the right of way vacation Exhibit B.3). The Board of County Commissioners approved the road vacations on November 12, 2020 by adopting Resolution No. 2020-097 (Exhibit B.74).</p>

	<p>The applicant met the procedural requirements of the vacation of right-of-way, as advised by County Transportation. <i>This criterion is met.</i></p>
<p>12.24</p>	<p><b><u>15.000 Truck and Transit Restrictions</u></b>  <b>15.100 Local Roads Restrictions:</b> Through trucks of any size and transit vehicles are prohibited on local roads within the County’s jurisdiction that are not arterials or collectors.  <b>15.200 Truck/Transit Size Restrictions:</b> The County Engineer may prohibit or regulate truck or transit movements as authorized under State and Federal law on all roads established as arterial and collectors.  <b>15.300 Truck Routes:</b> Consistent with State and Federal law, the County Engineer may designate through truck routes for movement of trucks in the County road system.  <b>Staff:</b> This criterion provides the County authority to regulate, restrict and prohibit truck and transit movements, according to certain road classifications within its jurisdiction. The criteria set out in section 15.000 are for the County to regulate roads within its jurisdiction. <i>This criterion is not applicable.</i></p>
<p>12.25</p>	<p><b><u>16.000 Variance from County Standards and Requirements</u></b>  <b>16.100 Variance Requirements:</b></p> <p><b>A. Multnomah County Code 29.507</b> provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.</p> <p><b>Applicant</b> “<i>The narrative and attached exhibits substantiate that the requested variance is in keeping with the intent and purpose for the County Code and adopted rules. The information demonstrates that the requested variance will not adversely affect the intended function of the County road system or related facilities. NW McNamee Road is classified as a local street. The variance request includes mitigation measures proposed by Metro.</i>”</p> <p><b><u>16.000 Variance from County Standards and Requirements</u></b>  <b>16.100 Variance Requirements:</b></p> <p><b>A. Multnomah County Code 29.507</b> provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.</p> <p><b>Applicant</b> “<i>The narrative and attached exhibits substantiate that the requested variance is in keeping with the intent and purpose for the County Code and adopted rules. The information demonstrates that the requested variance will not adversely affect the intended function of the County road system or related facilities. NW McNamee Road is classified as a local street. The variance request includes mitigation measures proposed by Metro.</i>”</p> <p><b>B. All requests for a variance to these Road Rules that are part of a development that requires approval of that development as a “land use decision” or “limited land use decision,” as defined in ORS 197.015, shall be submitted to the County Engineer at the time that application for the land use review is submitted to the applicable planning office having land</b></p>

**use jurisdiction. The County Engineer’s decision on the variance to these Road Rules shall not become effective until the date that the associated land use decision becomes effective.**

**Applicant:** *“In reviewing the land use application case file for Metro’s Burlington Creek Forest use request, County transportation staff has determined that the proposed access onto NW McNamee Road requires a Road Rules Design Exception/Variance. Metro submits the subject variance requests to be processed in conjunction with the land use review for Metro’s use request. This standard is met.”*

**C. For properties within unincorporated areas of Multnomah County for which Multnomah County has not contracted for planning and zoning services, the Hearings Officer shall be the final County decision maker for all applications for variances to these Rules that are in conjunction with applications for development classified as a “Type III” or an appeal of a “Type II” land use permit application under MCC Chapter 37 or the corresponding code parts in MCC Chapter 38, as applicable.**

**Applicant:** *“This standard is not applicable. Multnomah County provides planning services for the subject property. The variance application is being processed in conjunction with applicant’s use application request.”*

**Staff:** Criteria 16.100 A-C establish the procedures and parameters for a Variance application. These criteria do not require review. *These criteria are not applicable.*

12.26

**16.200 General Variance Criteria:**

**In order to be granted a variance, the applicant must demonstrate that:**

**A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;**

**Applicant:** *“Metro, a public recreational service provider for the region and citizens of Multnomah County, is proposing visitor access improvements to support recreational use on the Burlington Creek Forest property. The public currently accesses the site along the existing forest practices road. Users park in a small area before the locked gate. Metro desires to improve this existing condition and to provide a safer and more efficient entrance to the site. The improvements proposed are intended to support a use on public property, which is not available in the immediate surrounding area.*

*Applicant directed development in a manner that utilizes existing grades, avoids sensitive areas, and utilizes an existing access drive and cleared areas associated with the road, all of which are required by habitat protection, resource conservation, and design and siting standards. Here, site distance, topographical constraints, and existing conditions dictated where the access drive is proposed.*

*The sight distance limitations are existing. Access to the site is only available at the proposed location given the topography and location of surrounding development. The access drive is isolated, with no other access points supporting development in the vicinity. Existing sight distances have proven functional and safe given no reported accidents at the intersection. Under the MCDCM standards (table 2.3.2), existing conditions do meet MCDCM ISD standards for a 55 mph design speed for all cases.”*

	<p><b>Staff:</b> Under the above criterion, the applicant must demonstrate that the conditions specific to the parcel and the proposed access point are special and unique, especially compared to the surrounding parcels which may be more viable alternatives for siting the access point which may meet County standards.</p> <p>Using the existing access road is necessary to meet the various habitat and resource protection policies that regulate grading, erosion, clearing, and the impacts that improvements to the area will cause. No other surrounding parcels under public ownership have an existing access southeast of NW McNamee Road where the North Tualatin Mountains Access Plan recommends locating public improvements. (See Exhibit A.4.9). The proposed access point also has existing site distance limitations. The conditions specific to the parcel and proposed access point are special and unique, which meets the qualifying requirements of this criterion. <i>This criterion is met.</i></p>
12.27	<p><b>B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;</b></p> <p><b>Applicant:</b> <i>“Without the design exception/variance, a public recreational opportunity for the public would be lost. Metro, with the approval of voters, purchased the property for forest habitat and water quality protections, as well as to provide public access to nature close to home. The variance is necessary in order to be able to construct improvements associated with the planned nature park. The costs associated with moving the amount of earth required to meet sight distance standards based on a 55 mph design speed are prohibitive – in other words, the recreational improvements could not be built.”</i></p> <p><b>Staff:</b> This standard requires that the applicant demonstrate the Road Rules Variance is necessary for the preservation and the enjoyment of a substantial property right.</p> <p>Given the topographical constraints described in the previous criterion, the proposed access is the only feasible location for public access to the Burlington Creek Forest site. As stated by the applicant, the costs associated with moving the amount of earth to meet the minimum sight distance standards (roughly \$1.5 million in 2018 dollars, not including any property or easement acquisitions) would prevent the applicant from constructing the recreational improvements at the site determined by the applicant to be the most suitable for public recreation. The County is satisfied the Road Rules Variance is necessary for the Applicant’s provide public access to a new regional nature park.</p> <p><i>This criterion is met.</i></p>
12.28	<p><b>C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;</b></p> <p><b>Applicant:</b> <i>“Authorizing the variance will not be materially detrimental to the public or adversely impact other property or adjoining property development potential. The public currently accesses the site along the existing forest practices road. Users park in a small area before the locked gate. The sight distance limitations are existing. Metro desires to improve this existing condition and to provide a safer and more efficient entrance to the site. The improvements proposed are intended to support a use on public property, which is not available in the surrounding area. Metro is proposing to improve sight distance, which will represent an improvement over existing conditions and a no action alternative. Metro has demonstrated that safe access can be provided with a reduction in the design speed and associated sight distance requirements.”</i></p>

	<p><i>Using a designated design speed of 55 mph to establish design features does not reflect actual operating conditions and speeds associated with the subject intersection. Simply, drivers do not and cannot travel at a 55 mph rate of speed in this location along the local road given topographical limitations, including slopes, road width, road conditions, and curves. As anticipated by the AASHTO guidelines, and to assist in the sight distance evaluation, Kittelson and Associates performed a speed study to determine the 85<sup>th</sup> percentile speed in each direction of travel at the access point. The 85th percentile of the distribution of observed speed is the most frequently used descriptive statistic for the operating speed associated with a particular location or geometric feature. The data indicated 85th percentile speeds of 38 mph for the NB direction and 35 mph for the SB direction.</i></p> <p><i>The access drive is isolated, with no other access points supporting development in the vicinity. Metro owns nearly all the surrounding land (except for two small inholdings held by PGE).</i></p> <p><i>As such, granting the variance will not be injurious to another owner’s access or development opportunities. Instead, proposed mitigation along NW McNamee Road will improve safety for nature park visitors, Metro staff, emergency responders and area neighbors. These safety improvements might not be realized with a no action alternative.”</i></p> <p><b>Staff:</b> This standard requires that the applicant demonstrate that by approving a Road Rules Variance the result will not be detrimental to the public, will not cause damage or harm to other property in the vicinity, and will not adversely impact the development of adjacent properties. Safety considerations and integrity of the transportation network were discussed in detail in Section 12.30 (see below). These resulted in the County imposing a condition of approval (Condition J.1), which requires improvements to the access to ensure safe ingress and egress, as well as maintaining sufficient stopping sight-distance from the access onto NW McNamee Rd, to ensure granting of the variance will not be detrimental to the public welfare or neighboring properties. <i>As conditioned, this criterion is met.</i></p>
<p><b>12.29</b></p>	<p><b>D. The circumstances of any hardship are not of the applicant’s making.</b></p> <p><b>Applicant:</b> <i>“The public currently accesses the site along the existing forest practices road. Users park in a small area before the locked gate. Metro desires to improve this existing condition and to provide a safer and more efficient entrance to the site. The sight distance limitations are existing. Access to the site is only available at the proposed location given the topography and location of surrounding development. Metro is seeking relief as contemplated by County code and as supported by road design and engineering principals.”</i></p> <p><b>Staff:</b> This standard requires the Applicant to determine that the circumstances of any hardship are not of their own making. The existing topography, grade, hillside conditions near the only feasible access location are predominantly naturally occurring and existed long before Metro acquired the property. The access point was established as a forest access road prior to Metro’s purchase of the land. This standard is met as the applicant demonstrates that the topographic limitations at the access point causing sight distance challenges are not of Metro’s making.</p> <p><i>This criterion is met.</i></p>
<p><b>12.30</b></p>	<p><b>16.225 Access Variance Standards:</b>  <b>Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate</b></p>

	<p><b>that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.</b></p> <p><b>A. Multiple Access Points: The County Engineer may allow multiple access points when all spacing standards can be met, or when additional access(es) will not negatively impact the safety or functionality of the transportation system and a single access point cannot reasonably serve a site. ....</b></p> <p><b>Staff:</b> This criterion enables the applicant to request a road rules variance for more than one access to a property, which exceeds the County standard of one access per property. Applicant is not requesting multiple access points. <i>This criterion is not applicable.</i></p>
12.31	<p><b>B. Access Spacing: If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. ...</b></p> <p><b>Staff:</b> This criterion enables the applicant to request a road rules variance for an access which does not, or cannot, meet County standards for access spacing. Applicant is not requesting a variance to the access spacing standard. <i>This criterion is not applicable.</i></p>
12.32	<p><b>C. Sight Distance: If it is not feasible to provide enough sight distance to meet County/AASHTO standards, the site’s access must be located so as to provide the most sight distance possible. The County Engineer may require additional measures to mitigate substandard sight distance.</b></p> <p><b>Applicant:</b> <i>“The proposed variance will not negatively impact the safety of the transportation system. Metro is proposing visitor access improvements to support recreational use on the Burlington Creek Forest property. The public currently accesses the site along the existing forest practices road. Users park in a small area before the locked gate. Metro desires to improve this existing condition and to provide a safer and more efficient entrance to the site.</i></p> <p><i>Applicant directed development in a manner that utilizes existing grades, avoids sensitive areas, and utilizes an existing access drive and cleared areas associated with the road, all of which are required by habitat protection, resource conservation, and design and siting standards. Here, site distance, topographical constraints, and existing conditions dictated where the access drive is proposed. In other words, access to the site is only available at the proposed location given the topography and location of surrounding development. The sight distance limitations are existing. Existing sight distances have proven functional and safe given no reported accidents at the intersection. Existing conditions do meet MCDCM ISD standards for a 55 mph design speed for all cases. However, applicant proposes to improve sight distances with the planned improvements.</i></p> <p><i>Road design standards use a designated design speed to establish design features. The higher the speed limit, the more extensive the design features employed, such as increased sight distance, to promote safety.</i></p> <p><i>However, visibility needs are related to the operating environment and actual vehicle speeds. Using a designated design speed of 55 mph to establish design features does not reflect actual operating conditions and speeds associated with the subject intersection. Simply, drivers do not and cannot travel at a 55 mph rate of speed in this location along the local road given topographical limitations, including slopes, road width, road conditions, and curves.</i></p>

*As such, requiring improvements to meet a 55 mph design speed would be unduly burdensome, perform no additional safety function, while disturbing an unnecessary amount of land and slopes. There are other ways to achieve sight distance objectives.*

*Achieving a reduction in design speed to 25 mph in the vicinity of the access driveway: Existing conditions and measurements demonstrate that a regulated speed of 25 mph would meet AASHTO intersection sight distance design standards. In other words, the design speed and features that can be achieved under current conditions would exceed sight distances required by a 25 mph design speed. See Exhibit 1, table 2 [Exhibit A.16.5]. This could be achieved by incorporating regulatory signage and other traffic control methods used to regulate, warn, and guide drivers through the use of signs, pavement markings, removing roadside vegetation, and other devices. This would prevent the need to incur substantial public expenditures and reduce construction impacts. High operational speeds are not appropriate or needed at this location. Mobility is not a factor or otherwise would not adversely be impacted by posting reduced speed limits for a short section of the functionally classified local road. An examination of road conditions reveals this is an appropriate location to reduce speed. The access drive is along a relatively straight section in the middle of two “S” curve sections. The drive is approximately 1,000 feet from the narrow railroad trestle crossing, where speeds reduce. From the trestle to the controlled intersection of Highway 30 (NW St. Helens Road) is another 900 feet. From the beginning of the first “S” curve from south to north, to the intersection with Highway 30 is all downhill, with an elevation drop of nearly 500 feet over a short distance. A lower speed limit would also be consistent with the road’s “local” functional classification and roadside development.*

*Achieving intersection sight distance associated with the 85th percentile speed: A mitigation alternative is to allow for the use of the 85th percentile travel speeds along the roadway to estimate the required intersection sight distance at the proposed egress driveway onto NW McNamee. Sight line improvements can be made to achieve a design speed of 38 mph for NB traffic and 35 mph for SB traffic. This would result in a significant reduction in the amount of land disturbance, construction, and associated costs from what would be required to achieve the 55 mph design speed. Construction costs to achieve the required intersection sight distance in both directions was estimated in 2014 by KPF as approximately \$87,000. This cost estimate does NOT include costs associated with the acquisition of required easements, costs associated with removal of rock or other obstructions that could be encountered during excavation or an escalation factor for inflation based on actual year constructed.”*

**Staff:** This criterion enables the applicant to request a road rules variance for an access which does not, or cannot, meet County standards for sight distance (MCRR 4.500). NW McNamee has no posted speed limit, therefore the Oregon Basic Rule (ORS 810.180; 811.105) applies. Generally, the speed limit allowed with the Oregon Basic Rule is 55 mph. However, ORS 811.105 sets out that the appropriate speed should take into account road conditions (traffic, surface and width of the highway, weather, visibility, etc.). Exceeding an appropriate speed, based on the contextual factors of the roadway condition may be considered a violation of the Basic Rule. With a speed of 55 mph, in flat conditions, the stopping sight distance per AASHTO’s A Policy on Geometric Design of Highways and Streets (table 3-1) is 495 feet. During pre-app discussions with the applicant, County staff clarified that the 55 mph is the general design speed required to be considered in the application. AASHTO also provides guidance for stopping sight distance on grades (Table 3-2). NW McNamee Road has a downgrade in the southbound direction and an upgrade of in the northbound direction exceeding 12%, respectively. For a downgrade of 12%, the stopping sight distance is 600 feet. For an upgrade of 12% the stopping sight distance is 425 feet. The applicant’s submission states the existing sight distances from the access are 293 feet and 300 feet in the north

and southbound directions, respectively (Exhibit A.16.9). The access cannot meet required stopping sight distance with the current conditions and as a result, the Applicant is requesting a RRV for the stopping sight distance.

The applicant's road rules variance submission(s) (Exhibit A.16; Exhibit A.17) proposes two options in order to satisfy sight-distance requirements. The first option proposed by the application is to change the posted speed limit to 25 mph, shortening the required stopping sight distance. The second option is to apply stopping sight-distance to the 85th percentile speeds, based on the applicant's traffic study (see Exhibit A.16.6).

#### **Speed limit reduction request of 25 mph**

The Applicant suggests reducing the design speed of NW McNamee Rd to 25 mph, including adding regulatory signs. The applicant states (Exhibit A.16, pg. 9-10) that a reduction in design speed to 25 mph in the vicinity of the access driveway would meet AASHTO intersection and stopping sight distance design standards with the existing conditions (topography, hillside conditions and vegetation).

This proposed solution is not feasible, given that the process to change posted speed limits is not entirely within the County's jurisdiction. The State of Oregon regulates and implements the posted speeds of all the roads under the County's jurisdiction. The County can submit a request to the Oregon Department of Transportation to change the regulatory speed of a roadway, but the decision to change the posted speed limit is not within the County's sole authority. As the decision is not with the County's sole authority, the decision to change a posted speed limit is not within the scope of a road rules variance application. Consequently, the County does not consider this a feasible option.

#### **Stopping sight-distance, based on the 85th percentile of traffic speeds**

As an alternative to reducing the posted speed limit of NW McNamee Road, the applicant's road rules variance submission argues that, in accordance with the conditions of the road, stopping sight-distance measurements should be based on the 85th percentile of the traffic speeds recorded during the applicant's traffic study (see Exhibit A.16). As documented in the initial 2014 sight distance analysis (Exhibit A.16.6), 85-percent of the cars are travelling NW McNamee Rd at 35 mph (southbound) and 38 mph (northbound).

Based on the 85th percentile speeds, and the grade of the road, the corresponding stopping sight distance would be 360 feet in the northbound direction and 215 feet in the southbound direction. The southbound stopping sight distance for an 85th percentile speed of 35 mph, 215 feet, is within the existing sight distance from the access (300 feet). However, the northbound stopping sight distance for an 85th percentile speed of 38 mph, 360 feet, is not within the existing sight distance from the access (293 feet).

The Applicant submitted a revised analysis to meet sight distance to satisfy the 85th percentile plus 5 mph (Exhibit A.16.5). This corresponds to 435 feet, an additional 75 feet of stopping sight distance in the northbound direction and 260 feet, and additional 45 feet, in the southbound direction. The County notes that the additional stopping sight-distance provided by the 43 mph in the northbound direction and 40 mph in the southbound direction (85th-percentile plus 5mph) would include 97% and 94% of the speed of traffic in these directions, respectively (see exhibit A.16, *attachment C/pg 41*).

Within the revised analysis (Exhibit A.17.1), the applicant reasserts that a more conservative minimum stopping sight distance standard is appropriate, based on the very expensive grading and earthworks required to meet the stopping sight distances required by County standards. The applicant notes that the following costs for earthworks and grading to meet the corresponding stopping sight distances:

- 55mph - \$1.5 million; (see Exhibit A.16.5)
- 85th-percentile - \$87,000 (see Exhibit A.16.6)

With the additional information provided by the applicant (Exhibit A.16.5), the County agrees with the Applicant that the existing conditions of NW McNamee Rd does not correspond to the Oregon Basic Rule assumed speed of 55 mph. As noted above, the costs in meeting the stopping sight distances for an assumed 55 mph speed, and the grades of NW McNamee Rd, would be prohibitive. However, the County has not found the applicant's proposal for stopping sight distances associated with the 85th-percentile of traffic speeds to be sufficient. The stopping sight distance is met in the southbound direction but is not met in the northbound direction. The County's request to provide additional sight distance, summarized as "85th-percentile plus 5mph" provides sight distances which accommodates a greater safety margin of traffic speeds on the road (97%/94% of traffic speeds in north and southbound directions). Consequently, the County is satisfied that providing an access to this speed provides greater sight distance and safety than the applicant's original proposed variance, but will not be unreasonable or prohibitive for the associated grading/earthworks costs.

Due to the steep slope, the winding S-curves and the rural nature of NW McNamee Rd, the County Engineer will require the Applicant to make necessary frontage and off-site improvements to meet the required sight distance of 435 feet in the northbound direction and 260 feet in the southbound direction, stopping sight distances associated with 43 mph and 40 mph, respectively. The applicant will be required to apply for a Construction Permit, pursuant to MCRR Sections 6.100B, 9.200 and 18.200, which includes the grading and demonstration of sight-distances to satisfy County safety requirements [MCRR 6.100 B(12) and MCRR 8.100B]. The applicant will also be required to remove trees and vegetation along the site's frontage to ensure that the minimum sight distance standard accepted as part of the approved Road Rules Variance / MCDCM design variance can be met. The applicant shall grade the 6 x 20 area south of the proposed access as shown in their land use application and site plans to smooth the grade as well as to construct a ditch along NW McNamee Road. Final approval will not be granted until applicant can demonstrate that this grading has occurred.

*As conditioned, this criterion is met.*

12.33

**16.300 Variance Request Procedure:**

**For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:**

- A. Applicant name, telephone/fax number(s), email address, mailing address,**
- B. Property location and zoning;**
- C. Current or intended use of the property;**
- D. The nature and a full description of the requested variance;**
- E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;**
- F. Existing right-of-way or improvement limitations, and utility considerations;**

	<p><b>G. Adjacent land uses, their types, access requirements, and impact of traffic on them;</b>  <b>H. Topography, grade, side hill conditions, and soil characteristics;</b>  <b>I. Drainage characteristics and problems;</b>  <b>J. Fire Department access requirements within a public right of-way and their written approval of the proposed modification;</b>  <b>K. Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc.;</b>  <b>L. Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.</b></p> <p><b>Staff:</b> Section 16.300 requires the applicant to complete responses for criteria A-L, as applicable, to support the road rules variance application. The applicant submitted the required information and their road rules variance application was deemed complete on December 31, 2018 (Exhibit C.3).  <i>This criterion is met.</i></p>
12.34	<p><b>16.310 Completeness, Timelines, Public Notice, Decision:</b></p> <p><b>A. Once a variance request application has been submitted to the County, the County Engineer will review the variance request application to determine if it contains all of the information necessary to make a decision on the variance request. If the County Engineer is satisfied that all of the needed information is included in the application, it will be deemed complete. If the County Engineer requires more information in order to make his or her decision, the application will be deemed incomplete. The County Engineer will determine completeness within 30 calendar days of receiving a variance request application.</b></p> <p><b>B. If an application is deemed incomplete, a letter will be sent to the applicant with a list of the items that must be included in the application for it to be deemed complete. Upon receipt of the completeness letter, the applicant will have 180 calendar days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant.</b></p> <p><b>C. Within 30 days of the mailing of the initial completeness letter, the applicant shall submit to the County Engineer a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the time to complete the application within that 30 day time period will constitute a refusal to complete the application.</b></p> <p><b>D. Once an application is deemed complete by the County Engineer, or the applicant refuses to submit more information, the County shall take final action, pursuant to 16.100(B) and (C), within 120 days within an urban growth boundary or 150 days outside an urban growth boundary unless the applicant waives or extends the 120 or 150 day time period. However, these time periods do not apply to any application that depends upon a comprehensive plan or land use amendment. The final decision maker, the County Engineer or County Hearings Officer, as applicable, will provide a written decision to the variance request, with either approval, approval with modification, or denial. The decision shall contain specific findings supporting the conclusion reached.</b></p> <p><b>E. Public notice of an application for a variance to these Road Rules shall be as follows:</b></p> <ol style="list-style-type: none"> <li><b>1) For variance applications not in conjunction with a proposed development requiring a land use decision:</b> <ol style="list-style-type: none"> <li><b>a) Notice of the application and invitation to comment shall be mailed to the applicant, the applicable recognized neighborhood association, and all property owners within 100 feet within the urban growth boundary or within 750 feet outside of the urban growth boundary. The County</b></li> </ol> </li> </ol>

**Engineer will accept comments for 14 days after the notice of application is mailed.**

**b) Notice of a decision of the County Engineer and information regarding an opportunity to appeal shall be mailed to all parties that were previously mailed the invitation to comment. If no appeal is filed, the County Engineer's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, notice requirements are the same as those for appeal of a Type II Land Use Permit to the County Hearing's Officer, whose decision is the County's final decision. All subsequent appeal shall be to the Land Use Board of Appeals.**

**2) For variance applications in conjunction with a proposed development requiring a land use decision the notice requirements shall be the same in scope and timing as those used in the land use application process of the respective jurisdiction.**

**Staff:** Section 16.310 sets out the procedures and processes the County will follow to review the road rules variance application.

Criteria A-C set out the Completeness Review stage. The initial submission was deemed incomplete (Exhibit C.1) and the County requested further information to be submitted. The applicant submitted the required information and their road rules variance application was deemed complete on December 31, 2018 (Exhibit C.3). *These criteria are met.*

Criterion D sets out the timeline for making a decision, once the application is deemed complete.

The application is processed as a quasi-judicial plan revision, which follows the Type IV application procedures of Multnomah County Code ("MCC") Chapter 37 and supersede the timelines listed in Criterion D. Additionally, Land Use Planning and Transportation received subsequent information at the request of staff reviewing the applications. *These criteria are met.*

Criterion E sets out the procedures for notifying neighbors of the applications, and for receiving public comment. As the road rules variance was submitted in conjunction with a Type 3 land use application, which will be decided at a public hearing, there is an open record for public comment leading up to and including the public hearing. Public comments were available to be viewed at a specific webpage on the County's website.

In relation to the road rules variance, and its assessment criteria, no comments were received.

In relation to the transportation impact of the proposed development, six comments were received (Exhibits D.2; D.4; D.28; D.55; D.63; D.79). The comments can be summarized as follows:

- Questions whether there is sufficient on-site parking;
- Concerns about parking on McNamee Rd, as a result of the limited/insufficient parking on-site, and the anticipated popularity of the park. References are made to other parks in the metro area where parking on the road/road shoulder is problematic.
- Providing a safe route for people to bicycle to the site, as an alternative to driving.

The County sought information from the applicant in relation to transportation impacts, including modeling for a 20-year horizon. While the proposal results in a transportation impact, according to the definition in the road rules and criterion 5.300 (see above), the County has imposed conditions relating to the access from the site onto McNamee Road as well as appropriate off-site improvements to ensure the County's standards are met. To address, the first bullet point: on-site parking is a land use matter and is addressed in Section 9.00 of this report.

Parking within the right-of-way is within the scope of County transportation and the County has indicated to the applicant that, given the narrow right-of-way of McNamee Rd that parking would

	<p>not be permitted. Consequently, the applicant has indicated within the submissions that “no-parking” signs would be implemented and that Metro staff and a private security firm contracted by Metro would monitor and help enforce any parking problems at the site and its surroundings. The County is satisfied that the conditions of approval, which include appropriate mitigation measures to prevent parking on McNamee Rd, address the public comments and concerns. Safety of the transportation network is of primary concern and the requirements for the road rules variance application are part of the process to ensure that safety is maintained.</p> <p>The County’s Transportation System Plan, and Road Rules, promotes safe cycling facilities within the County, where appropriate. The applicant is required to make suitable, and proportionate, frontage and off-site improvements under Sections 12.25 and 12.17. Given the lack of shoulder on the road, and rural nature of the property and surroundings, creating a bicycle facility on a small stretch of McNamee Road is not considered to adequately contribute to a safe bicycle network within this area of the County. The County will continue to pursue bicycle improvements through future iterations of the TSP and its programs and initiatives. <i>Public comment procedures have been met. In summary, Section 16.310 criteria have been met.</i></p>
12.35	<p><b>16.400 County Engineer Initiated Variance: The County Engineer may initiate and establish a variance which is in keeping with the intent and purpose of the Code and adopted Rules and meets all the criteria of this section. The nature of the variance and written justification for the action will be included as a part of the County’s records.</b></p> <p><b>Staff:</b> Section 16.400 allows for the County to initiate a road rules variance application. The County is not the applicant of the road rules application. <i>This criterion is not applicable.</i></p>
12.36	<p><b><u>2.1.3 Design Standard Variance Process (MCDCM)</u></b></p> <p><b>Requests for variance from design standards with justification and mitigation shall be submitted to the County Engineer as required in Rule 4.100 and approved in writing prior to incorporation of design features into project plans and/or other documents. Requests for design variances must be accompanied by justification documentation and should include mitigation. The request for variances shall consist of a completed application form and supporting documentation submitted to the County Engineer.</b></p> <p><b>Applicant:</b> See Exhibit A.16 (pgs. 5-11).</p> <p><b>Staff:</b> The variance requirements set out in the Design and Construction Manual were written prior to the adoption of the Road Rules in 2004. The Road Rules procedures for a Road Rules Variance, set out in section 16.000, supersede those in the Design and Construction Manual. The geometric standards of the Design and Construction Manual still apply. These have been incorporated into the findings and conditions set out above. <i>This criterion is not applicable.</i></p>
12.37	<p><b><u>18.000 Right-of-Way Use Permits</u></b></p> <p><b>18.100 County Consent And Or Permit Required: Except where stipulated by an Intergovernmental agreement between the County and a local jurisdiction, the prior consent of the County Engineer and/or a permit shall be required for any construction, installation, or the placement of any object or fixture; or the planting or placement of any vegetation within the public right-of-way or for any modification of existing construction or use in the right-of-way except as provided in this Section. A Permit shall not be required for any short-term use of 8 hours or less if the County Engineer determines such use is not a hazard to the public and will have no detrimental impact to the right-of-way ....</b></p> <p><b>Staff:</b> This criterion requires applicants to obtain right-of-way permit(s), for structures or alterations of accesses within the County’s right-of-way. The applicant is proposing a reconfigured access onto NW McNamee Road.</p>

The applicant is required to apply for:

- a construction permit (MCRR 18.200) (Condition J.1); and
- an Access/Encroachment Permit (MCRR 18.250) (Condition J.2) for the altered access onto NW McNamee Rd.

*As conditioned, these criteria are met.*

**13.00 Oregon Administrative Rules (OAR) – State and Local Park Planning and Oregon Revised Statutes (ORS) – Parks**

**13.01 Oregon Revised Statutes Chapter 195**

**ORS 195.120 Rules and planning goal amendments for parks required; allowable uses; application of certain land use laws.**

**(1) The Legislative Assembly finds that Oregon’s parks are special places and the protection of parks for the use and enjoyment of present and future generations is a matter of statewide concern.**

**(2) The Land Conservation and Development Commission, in cooperation with the State Parks and Recreation Commission and representatives of local government, shall adopt rules and land use planning goal amendments as necessary to provide for:**

**(a) Allowable uses in state and local parks that have adopted master plans;**

**\* \* \***

**(4) A local government shall not be required to adopt an exception under ORS 197.732 from a land use planning goal protecting agriculture or forestry resources to authorize a use identified by rule of the Land Conservation and Development Commission under this section in a state or local park.**

**\* \* \***

**Staff:** ORS 195.120 provides a framework for understanding how local public parks can be approved to operate on agricultural and forest lands (“resource land”). The statute is relevant to the current applications because in the applicant’s current Comprehensive Plan amendment application, the applicant is seeking to designate certain resource land as a local public park, and in its Burlington Creek Forest development application, the applicant is proposing to establish specific uses within that portion of the local public park.

ORS 195.120 recognizes that not all park uses would be allowed outright on resource land. Under Oregon’s land use planning system, a set of 19 Statewide Land Use Planning Goals (“Goals”) describe the state’s policy on a range of land use and related topics, including agricultural lands (Goal 3) and forest lands (Goal 4). When a proposed use of land does not comply with certain goal requirements, an “exception” to the goal is required.

Not all uses that might occur in a local public park located on agricultural or forest land would be allowed under Goal 3 and Goal 4, meaning certain uses occurring in a local public park located on resource land could require a goal exception. However, ORS 195.120 authorizes the Land Conservation and Development Commission (“LCDC”) to adopt administrative rules that identify uses that can occur in a state and local public park located on resource land without requiring an exception to Goal 3 or Goal 4. The rules implementing ORS 195.120 are discussed below.

In particular, as explained in Section 13.03 below, the application for development in Burlington Creek Forest proposes only those uses identified by LCDC rule as permissible without an exception to Goal 3 or Goal 4. Therefore, pursuant to this statute, as implemented by administrative rule, no

	<p>goal exception is required for the development proposed in the Burlington Creek Forest development application. This statute is not directly applicable to the Comprehensive Plan amendment application because that application does not propose development of any particular local public park use on the properties involved. <i>This standard is not directly applicable to the Comprehensive Plan amendment application. As applicable to the Burlington Creek Forest application, this standard is met as demonstrated in the findings below.</i></p>
<p><b>13.02</b></p>	<p><b>Division 6</b></p> <p><b>GOAL 4 FOREST LANDS</b></p> <p>* * *</p> <p><b>OAR 660-006-0025</b></p> <p><b>Uses Authorized in Forest Zones</b></p> <p><b>(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:</b></p> <p>* * *</p> <p><b>(b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;</b></p> <p>* * *</p> <p><b>(2) The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones:</b></p> <p><b>(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;</b></p> <p>* * *</p> <p><b>(c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities; and</b></p> <p><b>(d) For the purposes of section (2) of this rule ‘auxiliary’ means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest’s entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.</b></p> <p>* * *</p> <p><b>(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:</b></p>

\* \* \*

**(f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;**

\* \* \*

**(5) A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:**

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;**
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and**
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.**

**Staff:** This rule describes the uses allowed on forest lands under Goal 4. In its current development applications (T3-2017-9165), the applicant is seeking approval of a Conditional Use permit, as well as related land use permits, for trails (including eight fiberglass bridges and a 15-foot fiberglass boardwalk), an information kiosk, a restroom, and a gated parking area at the Burlington Creek Forest site in the Commercial Forest Use – 1 zone. Exhibits A.3.37, A.3.40, A.9.1, A.18. The applicant contends that some of those uses are expressly allowed under Goal 4 because of that Goal’s allowance for “recreational opportunities” and “[p]hysical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of \* \* \* recreational facilities[.]” OAR 660-006-0025(1)(b), (2)(c). However, the definition of “auxiliary” provides, in part, that auxiliary structures will be “temporary in nature” and “removed when a particular forest practice is concluded.” OAR 660-006-0025(2)(d). Because the applicant is not proposing to make the improvements at Burlington Creek Forest temporary, those improvements are more appropriately considered part of a “public park” as described in OAR 660-006-0025(4)(f).

OAR 660-006-0025(4)(f) provides that the uses allowed in a public park are only those specified in OAR 660-034-0035 or 660-034-0040, whichever is applicable. OAR 660-034-0040 is the applicable rule because it addresses planning in “local parks.” Under those rules, a “local park” is defined, in part, as a public area that is “designated as a public park in the applicable comprehensive plan.” OAR 660-034-0010(8). Pursuant to that definition, prior to any approval for a use listed in OAR 660-034-0040, a local park must be designated as a public park in the comprehensive plan.

Consistent with that interpretation, the applicant is seeking a Comprehensive Plan amendment to designate the North Tualatin Mountains Nature Park, including Burlington Creek Forest, as a local public park as a precursor to seeking development approval in Burlington Creek Forest. The Comprehensive Plan amendment application includes areas of forest land (zoned Commercial Forest Use – 1, Commercial Forest Use – 2, and Exclusive Farm Use as shown on Exhibit B.61), and this rule demonstrates that a public park is permissible on forest land when that land has the public park designation Metro is seeking through the Comprehensive Plan amendment. The

	<p>proposed Comprehensive Plan amendment would not approve any particular use within the 4 forest units of the public park, so the rest of this rule does not apply to the Comprehensive Plan amendment application.</p> <p>However, the remainder of this rule is applicable to the Burlington Creek Forest development application, which proposes improvements in the CFU-1 zone. In particular, subsection (4)(f) of this rule provides that the uses allowed in Burlington Creek Forest are limited to the uses specified in OAR 660-034-0035 or 66-034-0040, whichever is applicable. OAR 660-034-0035 is not directly applicable to the Applicant’s application because it addresses state parks, rather than local parks, but some of the uses described in that rule are incorporated into the local park planning rule. As noted, OAR 660-034-0040 addresses planning for local parks and therefore is applicable to Applicant’s application. OAR 660-034-0040 is addressed in Section 13.03 below.</p> <p>Subsection (5) of this rule provides standards that the uses authorized in Subsection (4) must meet. Because the only specific uses proposed to be developed are part of the Burlington Creek Forest development applications, subsection (5) will be applied only to those uses for purposes of the current findings. The standards in subsection (5) are addressed elsewhere in this staff report and those findings are incorporated here by reference. Specifically, OAR 660-006-0025(5)(a) is addressed in Section 2.06 of this report, which addresses that same standard as incorporated into MCC 33.2045(A)(1). OAR 660-006-0025(5)(b) is addressed in Section 2.07 of this report, which addresses that same standard as incorporated into MCC 33.2045(A)(2). OAR 660-034-0025(5)(c) is not applicable to public parks, but the County has a similar requirement in MCC 33.2045(B), which is addressed in 3.08 of this report. <i>This standard is met.</i></p>
<p><b>13.03</b></p>	<p><b>Oregon Administrative Rules Chapter 660</b></p> <p><b>Division 34</b></p> <p><b>STATE AND LOCAL PARK PLANNING</b></p> <p><b>OAR 660-034-0000</b></p> <p><b>Purpose</b></p> <p><b>(1) The purpose of this division is to establish policies and procedures for the planning and zoning of state and local parks in order to address the recreational needs of the citizens of the state. This division is intended to interpret and carry out requirements of Statewide Planning Goal 8 and ORS 195.120 to 195.125.</b></p> <p><b>(2) In general, this division directs local government planning and zoning activities regarding state and local park master plans. OAR chapter 736, division 18, directs the Oregon Parks and Recreation Department (OPRD) with respect to state park master planning, and does not apply to local governments except where specified by this division.</b></p> <p><b>OAR 660-034-0010</b></p> <p><b>Definitions</b></p> <p><b>As used in this division, unless the context requires otherwise:</b></p> <p><b>* * *</b></p> <p><b>(6) “Forest land” shall have the same meaning as provided in Goal 4.</b></p> <p><b>* * *</b></p>

**(8) “Local park” is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance.**

\* \* \*

**Applicant:** *“The reason that Metro submitted a comprehensive plan text amendment request in conjunction with its use application on Burlington Creek Forest is to avoid a potential legal argument that could be made concerning the definition of ‘local park’ in OAR 660-034-0010(8), which is carried forward in Multnomah County Code § 33.2030(A)(9) regulating conditional uses.*

\* \* \*

**Applicant (Exhibit A.4.4):**

*“The subject property is resource land, generally zoned and managed for forestry use, and therefore governed by Goal 4. In a separate but related application, Metro is requesting land use approval to construct visitor access improvements and additional trails in Burlington Creek Forest. Most of what Metro is proposing for the Burlington Creek Forest (recreational and access improvements and recreational trails) is outright permitted under Goal 4.<sup>1</sup>*

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**Footnote 1** *The starting point for determining permissible uses and facilities on forestry resource land is Goal 4. One primary objective of Goal 4 is “to provide for recreational opportunities” on forest lands. As such, Goal 4 provides that recreational opportunities, and necessarily their accessory/support elements, that are appropriate in a forest environment are allowed on forest lands and do not require exception approval.*

*If a use is not permitted by Goal 4, state law OAR 660-034-0035/0040, provides two alternative avenues to permit recreational development on resource land under the category of a state or local park and which do not require an exception to Goal 4. For less intensive facility development, such as parking areas and uses with similar impacts, the uses are allowed through a traditional development application (for example: design review). For more intensive facility development, such as a tennis court, pool, or music venue, a park provider can pursue a master planning process, rather than the exception process.*

*Uses expressly permitted in local parks by OAR 660-034-0035/0040 include day use areas, recreational trails (for walking, hiking, biking, and horses), staging areas, and support facilities such as parking areas, restrooms, signs, etc.*  
**[End of Footnote 1]**

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*County staff is of the opinion that because applicant is also proposing an improved parking lot and related amenities, the proposed use rises above the uses permitted outright by Goal 4, and now becomes a public “local park” use regulated by OAR 660-034-0035 and 0040. A “local park” is defined by state law, in part, as a public area intended for outdoor recreational use that is owned and managed by a regional government and that is designated as a public park in the applicable comprehensive plan.*

*Because the definition of “local park” includes a reference to the comprehensive plan, County staff recommends that any use regulated and approved under OAR 660-035-0035/0040 should first be contemplated in the County’s Comprehensive Plan. As such, the County directs that in order to permit development of the proposed parking lot, trailhead, restroom, etc. at Burlington Creek Forest, that Metro must first request that its North Tualatin Mountain Access Master Plan be included in the County’s Comprehensive Plan.*

**Please Note:** *Approving the Comprehensive Plan amendment does not constitute specific approval of access improvements, such as the parking lot at Burlington, contemplated in the Master Plan. In order to construct the visitor access improvements at Burlington, Metro must apply for and obtain*

use and design review approval. That effort also requires Metro to demonstrate compliance with any overlay criteria, including SEC protections.

As such, in conjunction with the subject plan amendment request, Metro has submitted a use request seeking permission to develop recreational access improvements and additional trails at Burlington Creek Forest.

Metro respectfully requests that its North Tualatin Mountain Master Plan be incorporated into the Multnomah County Comprehensive Plan.”

\* \* \*

Based on that language, one could take the position that all local public parks must first be ‘designated’ (which means assigning a status or name to) in a comprehensive plan before any conditional development approvals can be approved. To meet that potential requirement, Metro requested a comprehensive plan amendment to reference the proposed Burlington Creek Forest nature ‘park’ (by including Metro’s internal North Tualatin Mountains access master planning document as a comprehensive plan appendix). Doing so would satisfy the ‘designated’ element.” Exhibit A.14 at 5.

**Staff:** Administrative rules governing the use of agricultural and forest land (“resource land”) allow public parks to be established on resource land. OAR 660-033-0130(31) (agricultural land); OAR 660-006-0025(4)(f) (forest land). The uses allowed in those parks are set by administrative rule, specifically the rules in OAR 660-034-0000 to 660-034-0040.

Under those administrative rules, a “local park” is defined as “[1] a public area intended for open space and outdoor recreation use that is [2] owned and managed by a \* \* \* regional government \* \* \* and [3] that is designated as a public park in the applicable comprehensive plan and zoning ordinance.” OAR 660-034-0010(8).

Here, the North Tualatin Mountains Nature Park, as described in the Master Plan, is a public area intended for open space and outdoor recreation use. (*See, e.g.*, Exhibit A.4 at page 7-8; Exhibit A.4.9). In addition, the area is owned and managed by Metro, which is a regional government that owns and manages many parks and natural areas around the Portland metropolitan region. (Exhibit A.4 at page 58-59). To satisfy the third part of the definition, Metro has proposed to “designate” the North Tualatin Mountains Nature Park, made up of four constituent forest units that include both CFU and EFU land (as well as non-resource land), as a local public park in the County’s Comprehensive Plan. That designation will allow Metro to seek conditional use permits for improvements within the local park, as it has done with its concurrent application for development in Burlington Creek Forest.

Because Metro has met the standards necessary for a quasi-judicial comprehensive plan amendment as set forth in Section 11.00 of this staff report, the Comprehensive Plan should be amended to designate the North Tualatin Mountains as a public park for purposes of the definition of “local park” in OAR 660-034-0010(8). *This standard is met.*

13.04

**OAR 660-034-0035**

**Park Uses On Agricultural and Forest Land**

\* \* \*

**(2) The park uses listed in subsection (a) through (i) of this section are allowed in a state park subject to the requirements of this division, OAR chapter 736, division 18, and other**

applicable laws. Although some of the uses listed in these subsections are generally not allowed on agricultural lands or forest lands without exceptions to Statewide Planning Goals 3 or 4, a local government is not required to adopt such exceptions in order to allow these uses on agricultural or forest land within a state park provided the uses, alone or in combination, meet all other applicable requirements of statewide goals and are authorized in a state park master plan adopted by OPRD, including a state park master plan adopted by OPRD prior to July 15, 1998:

- (a) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
- (b) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
- (c) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
- (d) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
- (e) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
- (f) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
- (g) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;
- (h) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education;
- (i) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
  - (A) Meeting halls not exceeding 2000 square feet of floor area;
  - (B) Dining halls (not restaurants).

**OAR 660-034-0040**  
**Planning for Local Parks**

**(1) Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local**

**park plans. Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:**

**(a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and**

**(b) Appropriate zoning categories and map designations (a “local park” zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in local park master plan.**

**\* \* \***

**(3) All uses allowed under Statewide Planning Goal 3 are allowed on agricultural land within a local park and all uses allowed under Statewide Planning Goal 4 are allowed on forest land within a local park, in accordance with applicable laws, statewide goals, and rules.**

**(4) Although some of the uses listed in OAR 660-034-0035(2)(a) to (g) are not allowed on agricultural or forest land without an exception to Goal 3 or Goal 4, a local government is not required to take an exception to Goals 3 or 4 to allow such uses on land within a local park provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a local park master plan that:**

**(a) Is adopted as part of the local comprehensive plan in conformance with Section (1) of this rule and consistent with all statewide goals;**

**(b) Is prepared and adopted applying criteria comparable to those required for uses in state parks under OAR chapter 736, division 18; and**

**(c) Includes findings demonstrating compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use.**

**Applicant (Exhibit A.14 – Letter “Response to Request for Additional Clarifications, dated August 27, 2018):**

*“County staff asked applicant to address the standard of OAR 660-034-0040(1)(a), more specifically.*

*Metro understands that the complexity of the administrative rule and lack of guidance from appellate decisions on the interrelated elements makes applying the rule difficult for all parties concerned. Through the pending applications, Metro seeks to obtain all use and comprehensive plan amendment approvals that are or may be required to permit development of visitor access improvements at its Burlington Creek Forest property.*

*OAR 660-034-0040(1) provides:*

*“Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. Local governments are not required to adopt a local park master plan in order*

*to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:*

- (a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and*
- (b) Appropriate zoning categories and map designations (a “local park” zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in the local park master plan.” (Emphasis added).*

*The question I believe the County is asking out of caution is whether or not all local parks require a comprehensive plan map amendment. Respectfully, Metro would answer that question – not all “park” use requests are required to be master planned by the County. Additionally, based on the above standard, it appears a plan map designation is only necessary if the County were to proceed through a County master planning process and adopt a County park master plan. Since the County does not own and operate a park system, it is difficult to understand how the County would engage in a park master planning process.*

*Metro’s answer is supported by the following.*

*As background, Metro is proposing visitor access improvements and a multi-use trail system on a portion of Metro’s Burlington Creek Forest area. Those improvements have been labeled or referred to as a “park.” However, only a small portion of Burlington Forest will be disturbed, with the remaining land managed for forest practices.*

*There are four paths to permit uses on Goal 4 resource land: Goal 4 outright permitted uses, discretionary/conditional use review, County Local Park Master Planning, and the exception process.*

*The starting point for determining permissible uses and facilities on forestry resource land is Goal 4. One primary objective of Goal 4 is “to provide for recreational opportunities” on forest lands. As such, Goal 4 provides that recreational opportunities, and necessarily their accessory/support elements (for example: parking area, shelter, restroom, informational signs/maps, etc.), that are appropriate in a forest environment, are allowed on forest lands. Most of what Metro is planning on the forestry resource land (restoration and land management activities, access roads, and recreational trails) are outright permitted uses under Goal 4 and MCC 33.2020.*

*If a use is not outright permitted by Goal 4, state law - OAR 660-034-0035/0040 - provides two (2) alternative avenues to permit recreational development on resource land under the category of a state or local park which do not require an exception to Goal 4. For less intensive facility development, such as a parking area and trails, the uses are allowed through a traditional development application (for example: conditional use/design review). For more intensive facility development, such as a tennis court, pool, or music venue, a local government can pursue a master planning process. Linn County Farm Bureau v. Linn County, 63 Or LUBA 347, 350 (2011); Linn County Farm Bureau v. Linn County, 61 Or LUBA 232 (2010).<sup>1</sup> For more intensive facility development that does not go through a County park master planning process, the exception process is available.*

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**Footnote 1** *The more urban, infrastructure intensive, and service intensive the proposed park use, the more likely it is to be inconsistent with Goal 3/4, and therefore not allowed without an exception or master planning. 63 Or LUBA at 351; 61 Or LUBA 232. In Rural Thurston, Inc. v. Lane County, 55 Or LUBA 382 (2007), LUBA held the public park uses that can be approved without an exception in the absence of a master park plan are “passive, low intensity uses similar to those allowed in campgrounds in resource zones.” 55 Or LUBA at 399. In Rural Thurston, Inc. v. Lane County, 55 Or LUBA 382 (2007), LUBA affirmed approval of a park (without the need for an exception or plan amendment) which included “a magnolia arboretum, landscaping/planting beds, and ADA-compliant trail system and restroom, outdoor tables and benches, central gathering area with pergola, informational kiosk, memorial plaza, and a children’s play area.” In Linn County Farm Bureau v. Linn County, supra, LUBA affirmed campgrounds for RVs and tents, without individual sewage disposal facilities. [End of Footnote 1]*

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*As described above and confirmed by case law, a Multnomah County park master plan is not required for Metro’s proposed forest recreational uses. I would submit that a County master plan would only be required for proposing uses that would otherwise require an exception to Goal 3 or 4 – those that are on the more intensive scale and not permissible under the second sentence in OAR 660-034-0040(1).*

*The reason that Metro submitted a comprehensive plan text amendment request in conjunction with its use application on Burlington Creek Forest is to avoid a potential legal argument that could be made concerning the definition of “local park” in OAR 660-034-0010(8), which is carried forward in Multnomah County Code § 33.2030(A)(9), regulating conditional uses.*

*The issue is framed as such: OAR 660-034-0010(8) defines “local park” as:*

*“a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance.”*

*Multnomah County Code § 33.2030(A)(9) mirrors this language and cites the definition as a reference.*

*Based on that language, one could take the position that all local public parks must first be “designated” (which means assigning a status or name to) in a comprehensive plan before any conditional development approvals can be approved. To meet that potential requirement, Metro requested a comprehensive plan amendment to reference the proposed Burlington Creek Forest nature “park” (by including Metro’s internal North Tualatin Mountains access master planning document as a comprehensive plan appendix). Doing so would satisfy the “designated” element.*

*Respectfully, this “designated” language does not seem to require any more than that. For example, the language does not require that all local parks be master planned by the County – which would then require a comprehensive plan map amendment. Again, OAR 660-034-0040(1) provides:*

*“Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule.”*

*For instance, Oxbow Regional Park is owned and operated by Metro in Multnomah County. Oxbow Regional Park is not and was not specifically approved by the County through a local park master plan process. Rather, Oxbow Park was approved through a conditional use and design review land use review process. To satisfy the potential requirement of the definition of “Local Park” in OAR 660-034-0010(8) during review, the County looked to see if Oxbow was already designated in the County’s Comprehensive Plan. Because the County’s Comprehensive Plan referenced Oxbow Regional Park specifically, that potential “designated” requirement was deemed satisfied.*

*As discussed above, and as written and interpreted by LUBA, this rule allows local governments to issue conditional use approval for local parks and certain less intensive visitor improvements without the need to master plan, take an exception, or process a comprehensive plan amendment.*

*Here, Metro is requesting a comprehensive plan amendment to satisfy, if necessary, the “designated in a comprehensive plan” language to support the Burlington Creek Forest use application. The amendment request is currently framed as a text amendment request to include Metro’s internal North Tualatin Mountain Access Master Plan as an appendix to the County’s comprehensive plan. If the County determines a “plan map designation” is also required to satisfy OAR 660-034, Metro hereby requests a plan map amendment through the current pending comprehensive plan amendment process. That map could simply reflect the borders of the “park” are limited to those lots upon which use improvements are proposed. For example, attached as Exhibit 2 [Exhibit A.3.18] is a map representing the lots upon which access improvements and trails are proposed in the Burlington Creek Forest, as they relate to the Burlington Creek Forest Natural Area as a whole.*

*Procedurally, Metro desires to make every effort to address and satisfy potential standards and remove potential uncertainty surrounding this process and code standards.”*

**Staff:** This rule addresses the uses allowed in local parks on resource land, and the processes for receiving approval for those uses. Because all of the proposed uses in Burlington Creek Forest will occur on forest land, this analysis focuses on those uses allowed on forest land. First, this rule provides that all uses allowed under Goal 4 are allowed on forest land within a local park. In other words, uses allowed under Goal 4 can be established in a local park using the normal land use review process. As explained in Section 13.02 above, Goal 4 allows for “those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable” in public parks. OAR 660-006-0025(4)(f).

OAR 660-034-0040 lists seven uses, set forth in OAR 660-034-0035(2)(a) to (g), that are allowed in local parks. *See* OAR 660-034-0040(4). However, not all uses listed in that rule are approved through the same process. Some of those uses may be approved through the normal land use review and permitting process, typically as conditional uses. Other uses require either (1) an exception to Goal 3 or Goal 4 or, (2) in lieu of a goal exception, description and authorization in a local park master plan that is adopted as part of the local comprehensive plan using the procedure in OAR 660-034-0040(1). Unfortunately, the rule does not explain which uses require a goal exception (or master planning in lieu of a goal exception), and which do not. However, the case law indicates that passive, low-intensity uses, such as bridges, trails, restrooms, and parking spaces, do not require a goal exception or master planning.

In its current development applications (T3-2017-9165), the applicant is seeking a Conditional Use permit, and related land use permits, for trails (including bridges and a boardwalk), an information

kiosk, a prefabricated vault restroom, and a gated parking area for about 25 vehicles in Burlington Creek Forest on CFU-1 zoned land. (Exhibit A.3.40).

Staff finds that the trail use is allowed under the Goal 4 allowance for “recreational opportunities.” OAR 660-006-0025(1)(b). In addition, staff finds that the trails, as well as the other proposed improvements, are uses contemplated in OAR 660-034-0035(2)(b), (c), and (f), which include:

- “[d]ay uses areas;”
- “[r]ecreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;” and
- “[s]upport facilities serving only the park lands wherein the facility is located: \* \* \* restrooms and showers, \* \* \* roads and bridges, parking areas and walkways[.]”

Because the proposed improvements are similar to other passive, low-intensity uses that the courts have not considered to require a goal exception (or master planning), the Applicant is not seeking a goal exception or incorporation of Metro’s Master Plan into the County’s Comprehensive Plan using the procedure set forth in OAR 660-034-0040(1).

Staff concurs that the uses and improvements proposed in Burlington Creek Forest in the Conditional Use application are passive and low-intensity and therefore do not require a goal exception or incorporation of the Master Plan into the County’s Comprehensive Plan using the procedure set forth in OAR 660-034-0040(1). *See Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323, 337 (2010) (concluding that a campground with 50 RV campsites, five restroom and shower buildings, a caretaker dwelling, an administrative building, and a day use area with picnic shelters, restrooms, and trails did not require a goal exception on agricultural land); *Rural Thurston v. Lane County*, 55 Or LUBA 382, 397-98 (2007) (concluding that new trails, a pedestrian and maintenance vehicle bridge, restroom, picnic tables, and 23 parking spaces were passive, low-intensity uses that did not require a goal exception on agricultural land). Indeed, OAR 660-034-0040(1) makes clear that the County may approve a land use decision allowing parks and park uses on farm and forest land without first adopting a local park master plan. As a result, staff recommends that the County not adopt Metro’s Master Plan as part of the County’s Comprehensive Plan using the procedures set forth in OAR 660-034-0040(1). Similarly, staff recommends that the County not attach the Master Plan as an appendix to the Comprehensive Plan because the appendix is reserved for County-created documents, and attaching the Master Plan as an appendix could create the appearance that the County is attempting to adopt the Master Plan under OAR 660-034-0040(1).

The Applicant is, however, required to show that Burlington Creek Forest is a “local park,” meaning it has been “designated as a public park in the applicable comprehensive plan \* \* \*.” OAR 660-034-0010(8). The Applicant’s Comprehensive Plan amendment application seeks that designation, which will make Burlington Creek Forest part of the larger local public park known as the North Tualatin Mountains Nature Park. Staff has recommended approval of that amendment. *With approval of the Applicant’s Comprehensive Plan amendment application, this standard is met.*

## 14.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Quasi-Judicial Revision to the Multnomah County Comprehensive Plan to adopt Metro’s North Tualatin Mountains Access Master Plan and designate the subject properties as four units of a local park and for the following standards to establish park related uses in the Burlington Creek Forest:

Multnomah County Code (MCC): 37.0705 [Comprehensive Plan Amendment];  
33.2030(A)(9)(b) [Conditional Uses in CFU-1];  
33.2230(A)(9)(b) [Conditional Uses in CFU-2];  
33.2630(C) [Conditional Uses in EFU];  
33.2830 [Conditional Uses in MUA-20]  
33.3130 [Conditional Uses in RR]  
33.6300 – 33.6350 [Conditional Uses criteria];  
33.6000 – 33.6020 [Standards for Community Services];  
33.7000 – 33.7060 [Design Review];  
33.2000 – 33.2110 [CFU-1 Base Zone];  
33.2200 – 33.2310 [CFU-2 Base Zone];  
33.2600 – 33.2690 [EFU Base Zone];  
33.2800 – 33.2885 [MUA-20 Base Zone];  
33.3100 – 33.3185 [RR Base Zone];  
33.4500 – 33.4575 [Significant Environmental Concern Overlay Zone];  
33.5500 – 33.5525 [Hillside Development/Slope Hazard Overlay Zone];  
33.5700 – 33.5745 [Protected Aggregate & Mineral Sites];  
33.2110 [Exceptions to Secondary Fire Safety Zones];  
33.7600 – 33.7616 [Adjustments and Variances];  
33.0005, 33.2075, 33.2870 [Lot of Record];  
Chapter 37 [Administration & Procedures];  
Chapter 29.003 [Adoption of State Building Code by Reference];  
Applicable Road Rules (2004 version) Criteria:  
4.000 Access to County Roads  
5.000 Transportation Impact  
6.000 Improvement Requirements  
7.000 Transportation Impact Studies  
8.000 Off-site Improvement Requirements  
9.000 Compliance Method  
11.000 Local Access Roads  
14.000 Vacation of Right of Way  
16.000 Road Rules Variance  
17.000 Appeals  
18.000 Right-of-Way Use Permits  
Applicable Design and Construction Manual Criteria:

Section 2.1.3 Design Standard Variance

Based on the findings in this report, Staff recommends approval of the foregoing applications.

**15.00 Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Written Testimony Received

‘A’	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.1	663	Type 3 Permit Application (Original – <b>Superseded by Exhibit A.3</b> )			9.29.17
A.2	451	Type 4 Permit Application for Comprehensive Plan Amendment (Original – <b>Superseded by Exhibit A.4</b> )			9.29.17
A.3	499	Type 3 Permit Application ( <b>Supersedes Exhibit A.1</b> ) -Conditional Use/Community Service -Design Review -SEC Permit -Hillside Development Permit -PAM Permit -Lot of Record Determination -Forest Development Standards Review -Exception to Secondary Fire Safety Zone			1.03.18
A.3.1		Table of Contents	2		1.03.18
A.3.2		Application Summary	5	1	1.03.18
A.3.3		Introduction	7	3	1.03.18
A.3.4		Applicable Criteria, Compliance, and Zoning	12	8	1.03.18
A.3.5		Permitted Conditional Use / Community Service Use / Forest Development Standards	14	10	1.03.18
A.3.6		Design Review	40	36	1.03.18
A.3.7		Off-Street Parking	51	47	1.03.18
A.3.8		SEC	57	53	1.03.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.3.9		SEC-v	60	56	1.03.18
A.3.10		SEC-h	66	62	1.03.18
A.3.11		SEC-s	71	67	1.03.18
A.3.12		HDP – Hillside Development	74	70	1.03.18
A.3.13		PAM	82	78	1.03.18
A.3.14		Signs	86	82	1.03.18
A.3.15		LOR	90	86	1.03.18
A.3.16		Administration & Procedures and Conclusion	92	88	1.03.18
Exh. A.3 – Applicant's Attached Exhibits					
A.3.17		1 Site Conservation Plans	93		1.03.18
A.3.18		2 Geotech Report & HDP-1 Form Prepared by Ryan T. Houser, CEG and Jeffrey P. Quinn, PE of Carlson Geotechnical dated 9/13/17	152		1.03.18
A.3.19		3 Traffic Impact Analysis Prepared by Haregu Nemariam PE of Nemariam Engineers & Associates, LLC dated 7/26/17	225		1.03.18
A.3.20		4 Storm Water Report Prepared by Alexander H. Hurley PE, PLS of AKS Engineering and Forestry dated 9/19/17	285		1.03.18
A.3.21		Storm Water Certificate appendix A Prepared by Alexander H. Hurley PE, PLS of AKS Engineering and Forestry dated 9/19/17	293		1.03.18
A.3.22		5 Current Cover Map	322		1.03.18
A.3.23		6 Historical Vegetation Map	323		1.03.18
A.3.24		7 Hydrology Map	324		1.03.18
A.3.25		8 Topography Map	325		1.03.18
A.3.26		9 Flood Hazards Map	326		1.03.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.3.27		10 Conservation Targets Map	327		1.03.18
A.3.28		11 Vault Toilet Plans & Specs	328		1.03.18
A.3.29		12 Pre-app Mtg. Notes	342		1.03.18
A.3.30		13 Photo - Water Tank & Hydrant	352		1.03.18
A.3.31		14 County Road Map	353		1.03.18
A.3.32		15 Service Provider Forms	354		1.03.18
A.3.33		16 Fire Agency Maps	372		1.03.18
A.3.34		17 Daily Traffic Map	374		1.03.18
A.3.35		18 LOR-Lot of Record	375		1.03.18
A.3.36		19 SEC-h & SEC-v Worksheets	457		1.03.18
A.3.37		20 Access and Parking Area Plan Set	478		1.03.18
A.3.38		21a Fire Safety Zone Standard Break	483		1.03.18
A.3.39		21b Fire Safety Zone Additional Slope Break	484		1.03.18
A.3.40		22 Trail and Sign Plan Set	485		1.03.18
A.3.41		23 SEC Mitigation Planting Plan	496		1.03.18
A.3.42		24 Parking Demand Chart	497		1.03.18
A.3.43		25 Rights of Way Map	498		1.03.18
A.3.44		26 Incident Action Plan	499		1.03.18
Exh. A.3 Figures					
A.3.45		Fig. 1 Site Vicinity	7	3	1.03.18
A.3.46		Fig. 2 Site Map	8	4	1.03.18
A.3.47		Fig. 3 Site Aerial	16	12	1.03.18
A.3.48		Fig. 4 Site Aerial 2	17	13	1.03.18
A.3.49		Fig. 5 Site Aerial (northern portion)	18	14	1.03.18
A.3.50		Fig. 6 Site Aerial (northwest/west of access road and forest)	18	14	1.03.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.3.51		Fig. 7 Site Aerial (west of forest)	19	15	1.03.18
A.3.52		Fig. 8 Communities at Risk of Wildfire	21	17	1.03.18
A.3.53		Fig. 9 PGE property boundary	25	21	1.03.18
A.3.54		Fig. 10 Scenic Views Map	60	56	1.03.18
A.3.55		Fig. 11 Vault Toilet	61	57	1.03.18
A.3.56		Fig. 12 Elevations	62	58	1.03.18
A.3.57		Fig. 13 SEC-h Map	67	63	1.03.18
A.3.58		Fig. 14 Access Aerial	69	65	1.03.18
A.3.59		Fig. 15 Streams & Riparian Area	71	67	1.03.18
A.3.60		Fig. 16 SEC-s buffer and trail section	72	68	1.03.18
A.3.61		Fig. 17 SEC-s Map	74	70	1.03.18
A.3.62		Fig. 18 Steep Slopes Map	75	71	1.03.18
A.3.63		Fig. 19 PAM use	84	80	1.03.18
A.4	478	Type 4 Permit Application for Comprehensive Plan Amendment <b>(Supersedes Exhibit A.2)</b>			1.03.18
A.4.1		Cover Page & Table of Contents	1		1.03.18
A.4.2		Application Summary	4	1	1.03.18
A.4.3		Property Introduction	6	3	1.03.18
A.4.4		Procedural / Application Introduction	8	5	1.03.18
A.4.5		North Tualatin Mts. Access Master Plan Introduction	9	6	1.03.18
A.4.6		Applicable Criteria and Compliance w/ Applicable Review Criteria	23	20	1.03.18
A.4.7		Conclusion	106	103	1.03.18
Exh. A.4 – Applicant's Attached Exhibits					
A.4.8		1 Multnomah County Tax Assessor's Maps: Sections	108		1.03.18
A.4.9		2 Metro North Tualatin Mountain Master Plan	134		1.03.18

'A'		Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.4.10		3 Site Conservation Plan	246		1.03.18
A.4.11		4 Geotech Report	305		1.03.18
A.4.12		5 Traffic Impact Analysis Prepared by Haregu Nemariam PE of Nemariam Engineers & Associates, LLC dated 7/26/17	378		1.03.18
A.4.13		6 SEC Report	438		1.03.18
A.4.14		7 Comprehensive Plan (map) (West Multnomah County Subareas)	459		1.03.18
A.4.15		8 Zoning Map	460		1.03.18
A.4.16		9 Pre-application Meeting Notes	461		1.03.18
A.4.17		10 Riparian Areas Map	471		1.03.18
A.4.18		11 Steep Slopes Map	472		1.03.18
A.4.19		12 Flood Hazard Map	473		1.03.18
A.4.20		13 Parks Map	474		1.03.18
A.4.21		14 Transportation / Roads Map	475		1.03.18
A.4.22		15 Habitat Map	476		1.03.18
A.4.23		16 Scenic View Map	477		1.03.18
A.4.24		17 Daily Traffic Map	478		1.03.18
Exh. A.4 – Figures					
A.4.25		Fig. 1 Site Vicinity Map	6	3	1.03.18
A.4.26		Fig. 2 Site Map	8	5	1.03.18
A.4.27		Fig. 3 Master Plan Recommendation	13	10	1.03.18
A.4.28		Fig. 4 Site Conservation Plan Map Showing Conservation Targets for desired future conditions	15	12	1.03.18
A.4.29		Fig. 5 Burlington Creek Forest Site & Plan Overview	17	14	1.03.18
A.4.30		Fig. 6 Ennis Creek Forest Site Overview	19	16	1.03.18

'A'		Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.4.31		Fig. 7 McCarthy Creek Forest Site Overview	20	17	1.03.18
A.4.32		Fig. 8 McCarthy Creek Master Plan Overview	21	18	1.03.18
A.4.33		Fig. 9 North Abbey Creek Forest Site Overview	22	19	1.03.18
A.4.34		Fig. 10 Riparian Areas	43	40	1.03.18
A.4.35		Fig. 11 Steep Slopes Map	57	54	1.03.18
A.4.36		Fig. 12 Liquefaction Map	58	55	1.03.18
A.4.37		Fig. 13 Flood Hazards Map	59	56	1.03.18
A.4.38		Fig. 14 Communities at Risk of Wildfire	60	57	1.03.18
A.4.39		Fig. 15 Parks & Open Space Map	65	62	1.03.18
A.4.40		Fig. 16 Housing Densities Map	73	70	1.03.18
A.4.41		Fig. 17 Roadway Jurisdiction Map	74	71	1.03.18
A.4.42		Fig. 18 Roadway Functional Classifications Map	81	78	1.03.18
A.4.43		Fig. 19 Average Daily Traffic Map	82	79	1.03.18
A.4.44		Fig. 20 Planned & Programmed Projects Map	83	80	1.03.18
A.4.45		Fig. 21 Roadway Bicycle Designations Map	87	84	1.03.18
A.4.46		Fig. 22 Crash Reports by Type (Jan. 2009 - Mar. 2014)	96	93	1.03.18
A.5	5	Applicant's completeness response letter responding to County incompleteness determination			1.03.18
A.6	7	Septic Review Form (includes applicant cover letter)			2.01.18
A.7	30	Letter: Response to request for additional information. Fire agency letter and exhibits			3.22.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.7.1	2	Applicant's letter	1		3.22.18
A.7.2	2	Fire Service Agency Review form – dated 12/07/17. Signed by Eric Perkins, Protection Unit Forester; Oregon Department of Forestry. – attached as Exhibit A	3		3.22.18
A.7.3	22	County Mutual Aid and Emergency Assistance Agreements - attached as Exhibit B	5		3.22.18
A.7.4	2	Letter from Tualatin Valley Fire & Rescue (TVFR) to Metro dated 2/26/18 indicating that he Burlington Creek Forest unit is not within TVFR's fire protection district and that the District is not interested in annexing Burlington Creek at this time. Includes vicinity map. – attached as Exhibit C	27		3.22.18
A.7.5	2	Fire Service Agency Review form – dated 9/07/17. Signed by Joe Thomton, Fire Plans Examiner; Portland Fire and Rescue. Includes email from Joe Thomton dated 9/12/17 – attached as Exhibit D	29		3.22.18
A.8	91	Letter addressing uses within the Protected Aggregate and Mineral Impact Area (PAM-IA) overlay.			6.07.18
A.8.1	74	Excerpts of the 1996 Multnomah County West Hills Reconciliation Report – attached as Exhibit 1	7		6.07.18
A.8.2	6	Excerpt of the 1994 Multnomah County Zoning Code – attached as Exhibit 2	81		6.07.18
A.8.3	5	Policy 31 of the 1983 Multnomah County Comprehensive Framework Plan – attached as Exhibit 3	87		6.07.18
A.9	28	Letter – Response to request for additional clarifications. Addresses: <ul style="list-style-type: none"> <li>1. Bridges</li> <li>2. Forest Park Conservancy Property</li> <li>3. Potential replat</li> </ul>			6.08.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
		4. Lot of Record 5. Regarding MCC 2061 – <i>Development Standards for Dwellings and Structures</i> 6. Regarding MCC 33.6300 – MCC 33.6335 – <i>Conditional Uses</i> 7. Alleged Encroachments 8. Light Fixtures 9. Orientation of Structures 10. Windows 11. Roofing 12. Earth tone colors			
A.9.1	6	Bridge construction sheets – attached as Exhibit 1	6		6.08.18
A.9.2	14	Easement across Forest Park Conservancy property – attached as Exhibit 2	12		6.08.18
A.9.3	2	Ownership map – attached as Exhibit 3	26		6.08.18
A.10	15	Applicant's findings addressing MCC 33.6300 through MCC 33.6335 – <i>Conditional Use Permit</i>			6.08.18
A.11	19	Variance Application			6.08.18
A.11.1	1	Application Summary	3	1	6.08.18
A.11.2		Introduction	4	2	6.08.18
A.11.3	10	Applicant's Findings	5	3	6.08.18
A.11.4	2	Burlington Subdivision Plat (1909) – attached as Exhibit 1	14		6.08.18
A.11.5	1	Aerial with general location of improvements overlaid with plat lines – attached as Exhibit 2	16		6.08.18
A.11.6	3	Aggregated Lots of Record Map – attached as Exhibit 3	17		6.08.18
A.11.7		PGE property boundary – Figure 1	5	3	6.08.18
A.11.8		Aerial with general location of improvements overlaid with plat lines – Figure 2	9	7	6.08.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.11.9		Water District Tank - Figure 3	12	10	6.08.18
A.12	2	Email from applicant regarding structures intended to be covered by the application for a variance.			7.16.18
A.13	2	Supplemental information for variance application			7.20.18
A.14	9	Letter - Response to request for additional clarifications – dated 8/27/18. Addresses: <ol style="list-style-type: none"> <li>1. Traffic Study</li> <li>2. Forest Park Conservancy Property</li> <li>3. Significant Environmental Concern for wildlife habitat revegetation ratio</li> <li>4. Protected Aggregate Mineral Impact Area (PAM-IA) overlay</li> <li>5. OAR (Oregon Administrative Rule) 660-034-0040(1)</li> </ol>			8.29.18
A.14.1	1	Letter from Forest Park Conservancy recognizing public access over the easement dated 8/23/18 – attached as Exhibit 1	8		8.29.18
A.14.2	1	Map of Metro ownership at Burlington Creek Forest – attached as Exhibit 2	9		8.29.18
A.15	231	Burlington Creek Forest Area Traffic Impact Analysis – submitted by Nemariam Engineers & Associates, LLC on behalf of the applicant.  Project Engineer: Merhi Tesfay, PHD, EIT Principal Engineer: Haregu Nemariam, PE			9.25.18
A.15.1		Executive Summary	5	1	9.25.18
A.15.2		Introduction, Background and Applicable Criteria and Findings	7	3	9.25.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.15.3		Conclusion	42	38	9.25.18
A.15.4		References	43	39	9.25.18
Exh. A.15 (Traffic Impact Analysis) – Figures					
A.15.5		Figure 1: Existing Lane Configuration & Traffic Control Devices	11	7	
A.15.6		Figure 2: Year 2018 Weekday Balance Traffic Volume	14	10	9.25.18
A.15.7		Figure 3: Year 2018 Balanced Weekend Day Traffic Volume	15	11	9.25.18
A.15.8		Figure 4: Site Generated Trip Distribution Percentage	23	19	9.25.18
A.15.9		Figure 5: Year 2019 Site Generated Weekday Trips	24	20	9.25.18
A.15.10		Figure 6: Year 2019 Site Generated Weekend Day Trips	25	21	9.25.18
A.15.11		Figure 7: Year 2019 Weekday Background Volume	27	23	9.25.18
A.15.12		Figure 8: Year 2019 Weekend Day Background Traffic Volume	28	24	9.25.18
A.15.13		Figure 9: Year 2033 Weekday Background Traffic Volume	29	25	9.25.18
A.15.14		Figure 10: Year 2033 Weekend Day Background Traffic Volume	30	26	9.25.18
A.15.15		Figure 11: Year 2019 Weekday Background Traffic Volume plus Site Trips	31	27	9.25.18
A.15.16		Figure 12: Year 2019 Weekend Day Background Traffic Volume plus Site Trips	32	28	9.25.18
A.15.17		Figure 13: Year 2033 Weekday Background Traffic Volume plus Site Trips	33	29	9.25.18
A.15.18		Figure 14: Year 2033 Weekend Day Background Traffic Volume plus Site Trips	34	30	9.25.18
Exh. A.15 (Traffic Impact Analysis) – Tables					

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.15.19		Table 1: Existing Roadway Facilities	12	8	9.25.18
A.15.20		Table 2: Year 2018 Peak Hour Traffic condition	16	12	9.25.18
A.15.21		Table 3: Crash Type Summary (2007-2016)	17	13	9.25.18
A.15.22		Table 4: Total ADT Entering Study Intersections and Table 5: Crash Rates (2007-2016)	20	16	9.25.18
A.15.23		Table 6: Crash Data (2015-2016)	21	17	9.25.18
A.15.24		Table 7: Entering/Exiting Site Generated Trip Estimates	22	18	9.25.18
A.15.25		Table 8: Year 2019 Peak Hour Background Traffic Condition	35	31	9.25.18
A.15.26		Table 9: Year 2019 Peak Hour Total Traffic Condition	36	32	9.25.18
A.15.27		Table 10: Year 2033 Peak Hour Background Traffic Condition	37	33	9.25.18
A.15.28		Table 11: Year 2033 Weekday Peak Hour Total Traffic Condition	38	34	9.25.18
A.15.29		Table 12: Year 2033 Weekday Peak Traffic Hour Queue Analysis	39	35	9.25.18
A.15.30		Table 13: Year 2033 Weekend Day Peak Traffic Hour Queue Analysis	40	36	9.25.18
Exh. A.15 (Traffic Impact Analysis) – Attached Exhibits					
A.15.31	2	Exhibit A: Zoning Map	44		9.25.18
A.15.32	4	Exhibit B: Proposed Site Plan	46		9.25.18
A.15.33	9	Exhibit C: Nature Park Trip Data/Trip Estimates Worksheet	50		9.25.18
A.15.34	2	Exhibit D: Roadway Classification/Average Daily Traffic	59		9.25.18
A.15.35	15	Exhibit E: 2018/2014 KPFF Sight Distance Evaluation	62		9.25.18
A.15.36	11	Exhibit F: 2018 Traffic Counts/Balancing Worksheet	74		9.25.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.15.37	10	Exhibit G: Year 2018 Traffic Condition Synchro Worksheet	86		9.25.18
A.15.38	55	Exhibit H: Crash Data	97		9.25.18
A.15.39	10	Exhibit I: Cornelius Pass Road Safety Improvement Study/ODOT 2016 TVT	153		9.25.18
A.15.40	7	Exhibit J: Year 2019/2033 Background Traffic Calculation Entering/Exiting Site Generated Trip Estimates	164		9.25.18
A.15.41	20	Exhibit K: Year 2019 Background/Total Traffic Synchro Worksheet	172		9.25.18
A.15.42	20	Exhibit L: Year 2033 Background/Total Traffic Synchro Worksheet	193		9.25.18
A.15.43	8	Exhibit M: Year 2033 Background/Total SimTraffic Queue Report	214		9.25.18
A.15.44	8	Exhibit N: Multnomah County Comprehensive Plan Update for 2016 Planned Projects List Mitigated Condition Synchro Worksheet	223		9.25.18
A.16	283	Application for a Variance to the Road Rules			12.04.18
A.16.1		Application Summary	3	1	12.04.18
A.16.2		Introduction	4	2	12.04.18
A.16.3		Applicable Criteria and Compliance with Findings	5	3	12.04.18
A.16.4		Conclusion	23	21	12.04.18
Exh. A.16 (Road Rules Variance) - Exhibits					
A.16.5		Exhibit 1 KPFF 2018 Sight Distance Evaluation	24	1	12.04.18
A.16.6		Exhibit 2 KPFF 2014 Sight Distance Evaluation Report	31	1	12.04.18
A.16.7		Exhibit 3 Nemariam Engineers & Associates Traffic Impact Assessment	53		12.04.18
Exh. A.16 (Road Rules Variance) – Figures					
A.16.8		Figure 1 Existing Access driveway	4	2	12.04.18

'A'	#	Applicant Exhibits			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.16.9		AASHTO Stopping Sight Distance and Design Speeds	6	4	12.04.18
A.16.10		Figure 3 Access Drive Map	12	10	12.04.18
A.16.11		Figure 4 Access Intersection Map	15	13	12.04.18
A.16.12		Figure 5 Property location	19	17	12.04.18
A.16.13		Figure 6 Topographical Map	22	20	12.04.18
A.17	6	Letter – additional information in support of road rules variance.			1.11.19
A.17.1		Memo from Curt Vanderzanden, KPFF Consulting Engineers regarding Burlington Creek Forest sight distance evaluation included as an attachment.	4		1.11.19
A.18	10	Additional information regarding proposed boardwalk structure			2.07.19
A.19	2	Email from applicant clarifying trip generation methodology			2.14.19
A.20	2	Email from applicant regarding potential security light			2.22.19
A.21	5	Letter regarding trip generation analysis			2.25.19
A.22	1	Request for extension for proposed right-of-way vacation.			3.12.19
A.23	40	Letter from applicant addressing additional grading and PGE easement.			4.15.19
A.23.1		Exhibit 1 – Supplemental Geotechnical Engineering Analysis and Revised HDP Form 1	11		4.15.19
A.23.2		Exhibit 2 – Revised Preliminary Sight Distance Plan Sheet	29		4.15.19
A.23.3		Exhibit 3 – Revised Preliminary Grading and Erosion Control Plan Sheet	30		4.15.19
A.23.4		Exhibit 4 – Metro/PGE Easement (for sight distance improvements)	31		4.15.19
A.23.5		Letter to County dated February 25, 2019	36		4.15.19

<b>‘A’</b>		<b>Applicant Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc. Page	Date Received/ Submitted
A.24	8	Letter re: Equity & Parking & Amphibians dated 6.10.19			6.10.19
A.25	9	ROW Vacation Feasibility Study Request			9.31.17
A.26	82	Metro Response to County			4.25.22
A.26.1		PGE utility line plan sheet	14		4.25.22
A.26.2		Wetland delineation/determination form and report and ordinary high watermark/line delineation report	15		4.25.22
A.26.3		Preliminary erosion control and sediment protection plan	78		4.25.22
A.26.4		Revised site plan depicting the request traffic direction markings	80		4.25.22
A.26.5		Site Plan for vision clearance (monument sign)	81		4.25.22
A.26.6		Mitigation plan	82		4.25.22
A.27	16	DSL Concurrence Burlington Creek wetlands			6.23.22
A.28	3	Letter to County North Tualatin Mountains (Removal of small parcels from application)			11.28.22

<b>‘B’</b>		<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.1	1	Email from County Sheriff’s Office to staff regarding parking enforcement.			2.14.18
B.2	1	Letter from staff to applicant requesting additional information			3.08.18
B.3	1	Memo regarding proposal to vacate internal rights-of-way			3.19.18
B.4	8	Letter from transportation planning staff to applicant requesting additional information			3.19.18
B.5	2	Email from staff to applicant requesting additional information			4.02.18

<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.6	2	Email from Oregon Department of Forestry			7.16.18
B.7	1	Email regarding addressing OAR 660			7.31.18
B.8	2	Memo from Transportation staff to applicant regarding proposed vacation of internal rights-of-way			9.19.18
B.9	1	Email from transportation staff to applicant			11.27.18
B.10	5	Memo from transportation staff to applicant regarding response to Revised Traffic Impact Analysis dated 11/26/18	2		11.27.18
<b>Appendices to Transportation Memo</b>					
B.10.1	4	Memorandum from Jessica Berry, Senior Transportation Planner, dated March 28, 2017 in preparation of Pre-Application Conference with County Land Use Planning on March 30, 2017	7		11.27.18
B.10.2	6	Incomplete Letter dated October 27, 2017 from Kevin Cook that includes transportation comments from Kate McQuillan, Transportation Planner	11		11.27.18
B.10.3	5	Memorandum from Kate McQuillan, Transportation Planner, dated March 14 2018, requesting additional information in response to resubmitted materials from Metro dated January 3, 2018	17		11.27.18
B.10.4	2	Meeting summary in email from Karen Vitkay, Metro Senior Regional Planner, held on May 7, 2018 to provide engineering guidance on revisions required for Traffic Impact Analysis	22		11.27.18
B.10.5	6	Multnomah County Road Rules, Section 16.000 Variance from County Standards and Requirements	24		11.27.18
B.10.6	1	Multnomah County Design and Construction Manual, Section 2.1.3 Design Standard Variance Process	30		11.27.18

<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.11	1	Email from staff to applicant regarding proposed grading on opposite side of McNamee Road			2.14.19
B.12	2	Letter from Transportation staff to applicant requesting clarification of trip generation estimates.			2.14.19
B.13	3	Multnomah County Ordinance 797 – Adopted 9/22/94			2.18.19
B.14	32	Multnomah County Ordinance 804 – Adopted 11/3/94			2.18.19
B.15	20	Multnomah County Ordinance 858 – Adopted 7/2/96			2.18.19
B.16	24	Multnomah County Code 11.15.7005 in effect 2/20/90 through 8/09/95			2.18.19
B.17	2	Equity and Empowerment Lens 5P's Worksheet			3.20.19
B.18	1	ODFW Compass Map – Deer and Elk Winter Range. Accessed 3/28/19 via <a href="https://dfw.state.or.us/maps/compass/">https://dfw.state.or.us/maps/compass/</a>			3.28.19
B.19	6	Article: Balch, Jennifer K., et al. "Human-Started Wildfires Expand the Fire Niche across the United States." PNAS, National Academy of Sciences, 22 Feb. 2017, <a href="http://www.pnas.org/content/early/2017/02/21/1617394114.full">www.pnas.org/content/early/2017/02/21/1617394114.full</a> .			3.28.19
B.20	90	Multnomah County West Hills Reconciliation Report – May 1996			3.28.19
B.21	3	April 19, 1955 Zoning Ordinance (partial) showing Community Service Uses			3.29.19
B.22	1	Map of Portland Annexations by Decade			3.29.19
B.23	9	1200-CN Construction Stormwater General Permit			3.29.19
B.24	1	2n1w20c80-08-14szm50			3.29.19
B.25	8	07 MUF ZO 1990-2-20			3.29.19
B.26	1	2N1W20			3.29.19

<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.27	1	2N1W20C			3.29.19
B.28	1	2N1W20B			3.29.19
B.29	1	2N1W20BD			3.29.19
B.30	1	2N1W19			3.29.19
B.31	5	2N1W20-Book1328_Page246-01			3.29.19
B.32	5	2N1W20-Book2568_Page1618-01			3.29.19
B.33	1	2N1W20			3.29.19
B.34	1	2N1W20BC			3.29.19
B.35	3	2N1W20BC-Book1328_Page246-01			3.29.19
B.36	2	2N1W20BD-Book1238_Page246-01			3.29.19
B.37	1	2N1W20B-Book1328_Page246			3.29.19
B.38	5	2N1W20B-Book1328_Page246-01			3.29.19
B.39	2	PL0452-059-060			3.29.19
B.40	1	2N1W20BD-Book1238_Page246			3.29.19
B.41	1	2N1W20BC-Book1328_Page246			3.29.19
B.42	1	Range1e_1w_2w98-08-8_CFU1_CFU2			3.29.19
B.43	14	11-WH-2082 cfu-1 rev7-98			3.29.19
B.44	1	2n1w20b83-10-13szm48			3.29.19
B.45	1	2n1w20b80-08-14szm48			3.29.19
B.46	1	2n1w20_1999szm48-51			3.29.19
B.47	3	Bk 1328 Pg. 246 - Annotated			3.29.19
B.48	2	Bk 2296 Pg. 2834 - Annotated			3.29.19
B.49	1	2000 - 007612 - Annotated			3.29.19
B.50	1	SW quarter 2N1W20 MUF-19			3.29.19
B.51	1	NW quarter 2N1W20 MUF-19			3.29.19
B.52	2	ZO 1990 (partial) MUF zone			3.29.19
B.53	1	West Hills CFU Districts			3.29.19
B.54	2	ZO 1998 (partial) CFU-1 zone			3.29.19
B.55	1	2N1W20 CFU-1			3.29.19
B.56	2	Deed D051999			3.29.19
B.57	3	Deed 2014-041574			3.29.19

<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.58	2	Bk 2719 Pg. 1631			3.29.19
B.59	1	Farm and Forest Covenant Form			4.02.19
B.60	2	Color Palette			4.02.19
B.61	1	Zoning Map			4.10.19
B.62	1	SEC Scenic Views and Slope Hazards Map			4/10.19
B.63	1	SEC-Wildlife Habitat & SEC - Stream			4.10.19
B.64	1	Protected Aggregate Mineral Overlays			4.10.19
B.65	1	Drainage Basins			4.10.19
B.66	1	Proposed Right-of-Way Vacation Map			8.30.19
B.67	1	Functional Classification Map			8.30.19
B.68	4	National Centers for Environment Information – What’s the Difference Between Weather and Climate?. Accessed 9/10/19 via <a href="https://www.ncei.noaa.gov/news/weather-vs-climate">https://www.ncei.noaa.gov/news/weather-vs-climate</a>			9.10.19
B.69	2	Burlington Subdivision Plat			9.16.19
B.70	23	Staff Report for the Burlington Water District Water Reservoir			9.14.20
B.71	2	2012 Aerial photograph of Burlington Water District Reservoir			9.14.20
B.72	2	2016 Aerial photograph of Burlington Water District Reservoir			9.14.20
B.73	3	Oregon Register of Natural Heritage Resources			9.14.20
B.74	94	Resolution number 2020-097			9.23.21
B.75	2	Log of Written Comments Received as of January 9, 2023			01.09.23
B.76	1	Forest Park Conservancy Parcel			10.15.20
B.77	1	2019 Aerial Photo of Burlington Creek Forest and Adjacent Lands			10.15.20
B.78	1	Distance to McNamee Rd. to the west			10.15.20
B.79	1	Aggregated Lots of Record			10.15.20

<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
B.80	1	Map Location of Bridges 1 and 2			10.15.20
B.81	1	Distance to tract - Bridge 1			10.15.20
B.82	1	Distance to tract - Bridge 2			10.15.20
B.83	1	Distance Measurement to Lot 100			10.19.20
B.84	1	Trails in the PAM-IA			10.28.20
B.85	1	PAM-EA			1.11.21
B.86	1	Burlington Subdivision			1.11.21
B.87	1	Proposed Trails with Tax Lots			1.11.21
B.88	1	Burlington Tax Lots			1.11.21
B.89	1	Table of Burlington Creek Forest Development Properties			7.07.21

<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>			
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
C.1	6	Incomplete Letter			10.27.17
C.2	1	Letter indicating variance application is complete			7.12.18
C.3	1	Letter indicating road rules variance application is complete			12.31.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
Exhibit #	# of Pages	Description of Exhibit	PDF Page	Doc Page	Date Received/ Submitted
D.1	4	Catherine Thompson email dated 11.06.17 to Kevin Cook referencing PA-2017-7041 w/letter			11.07.17
D.2	10	Carol Chesarek email dated 11.07.17 to Kevin Cook w/attachments			11.07.17
D.3	44	Hank McCurdy letter referencing PA-2017-7041 dated 12.14.17 to Kevin Cook re: National Marine Fisheries Svc			12.18.17

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.4	2	Chesarek email dated 2.07.18 to Kevin Cook re: parking at Wildwood & Leif Erikson trailheads			2.07.18
D.5	139	McCurdy email to Kevin w/partial draft of 2.14 testimony			2.07.18
D.5.a	336	McCurdy Memo for County			2.14.18
D.5.b	222	McCurdy Appendices A through E			2.14.18
D.5.c	1033	McCurdy Exhibits 1-32 (missing Ex. 26, 28, 29 & 30)			2.14.18
D.5.d	336	McCurdy Opposition Memo to County, signed			2.14.18
D.6	1	Helen Leiser email dated 3.01.18 to Kevin in opposition to proposal			3.02.18
D.7	5	Marcy Houle undated email to Kevin w/emails to County Commissioners in opposition to proposal			3.05.18
D.8	1	Don Jacobson email dated 3.05.18 to Kevin in opposition to proposal			3.05.18
D.9	1	Zoe Presley letter in opposition to proposal, undated			3.05.18
D.10	1	Michael Baker email dated 3.21.18 to Kevin re: elk tracks			3.21.18
D.11	2	Houle follow-up email dated 3.21.18 to Kevin in opposition to proposal			3.22.18
D.12	1	Laura Leuthe email dated 3.26.18 to Kevin in opposition to proposal			3.26.18
D.12.a	4	Leuthe email dated 4.04.18 to Kevin re: Elk in Wildlife Corridor			4.05.18
D.13	4	Cindy Reid email dated 4.04.18 to Kevin w/staff response re: criteria			4.04.18
D.13.a	1	Reid email dated 4.09.18 to Michael Cerbone & Kevin re: specific criteria			4.09.18
D.14	4	Lindsey Laughlin email dated 4.12.18 to Kevin in opposition to proposal			4.12.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.14.a	3	Laughlin email dated 4.15.18 to Kevin re: Roosevelt elk herd			4.16.18
D.15	1	Andrew Yeoman email dated 4.24.18 to Kevin in support of proposal			4.24.18
D.16	16	McCurdy email dated 4.02.18 w/attachments to Kevin referencing Attorney Paul Majkut			5.02.18
D.17	4	Laughlin email dated 5.08.18 to Kevin w/pictures of Roosevelt Elk herd			5.09.18
D.18	1	Jered Bogli email dated 5.09.18 to Kevin in support of proposal			5.09.18
D.19	1	Rick Kappler email dated 5.09.18 to Kevin in support of proposal			5.09.18
D.20	5	Alexandra Clarke email dated 6.08.18 to Kevin w/attachments			6.11.18
D.21	1	Joshua Anderson email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.22	1	Jeff Barna email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.23	1	Bogli email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.24	1	Kevin Bunce email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.25	1	Chris Currie email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.26	1	Tedd Dodd email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.27	1	Shannon Flinchpaugh email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.28	1	Megan Horst email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.29	1	Andrew Jansky email dated 10.22.18 to Kevin in support of proposal			10.22.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.30	1	Paul Keady email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.31	1	Nicholas Kuhn email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.32	1	Paul Litwinczuk email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.33	94	McCurdy "Findings of Fact and Conclusions of Law" on Metro's Application to amend the comp plan Mult. Co. Case File PA-2017-7041 undated			10.22.18
D.34	1	Jason Motsko email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.35	1	Bryan Mullaney email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.36	1	Gregory Mylet email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.37	1	Simon Pope email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.38	1	Owen Rodabaugh email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.39	1	Chris Schomaker email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.40	1	Julian Smith email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.41	1	Robert Thompson email dated 10.22.18 to Kevin in support of proposal			10.22.18
D.42	1	Scott Willson email dated 10.22.18 to Kevin in support of proposal			10.23.18
D.43	1	Drew Betts email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.44	1	Rutherford Brakke-Pound email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.45	1	Spencer Bushnell email dated 10.23.18 to Kevin in support of proposal			10.24.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.46	1	Robert Christensen email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.47	1	Lee Faver email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.48	1	Ward Hubbell email dated 10.23.18 to Kevin in support of proposal			10.24.18
D.49	1	Peter Pollard email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.50	1	David Potter email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.51	1	Lainye Reich email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.52	1	Charlie Sponsel email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.53	1	Brad Wolverton email dated 10.23.18 to Kevin in support of proposal			10.23.18
D.54	1	Andy Crump email dated 10.24.18 to Kevin in support of proposal			10.24.18
D.55	265	McCurdy memo in opposition "replacing submission of 2.14.18"			10.24.18
D.56	1	Chris Negri email dated 10.24.18 to Kevin in support of proposal			10.24.18
D.57	1	John Dendiuk email dated 10.25.18 to Kevin in support of proposal			10.25.18
D.58	1	Frank Selker email dated 10.26.18 to Kevin in support of proposal			10.26.18
D.59	1	Dennis Veatch email dated 10.27.18 to Kevin in support of proposal			10.27.18
D.60	1	Tom Archer email dated 10.28.18 to Kevin in support of proposal			10.28.18
D.61	1	Jon Caulley email dated 10.28.18 to Kevin in support of proposal			10.28.18
D.62	1	Daniel Stuart email dated 10.28.18 to Kevin in support of proposal			10.28.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.63	1	ODOT determination letter dated 10.30.18 – no significant impacts to state highway facilities, no additional state review required			10.30.18
D.64	1	Lawrence Freese email dated 10.31.18 to Kevin in support of proposal			10.31.18
D.65	1	Alan Love email dated 10.31.18 to Kevin in support of proposal			10.31.18
D.66	1	Chris McCraw email dated 10.31.18 to Kevin in support of proposal			10.31.18
D.67	1	Barry O'Connor email dated 10.31.18 to Kevin in support of proposal			10.31.18
D.68	703	McCurdy memo in opposition also "replaces submissions of February 14, 2018"			11.02.18
D.69	1	Bill Miller email dated 11.03.18 to Kevin in support of proposal			11.05.18
D.70	1	Gayle Rodabaugh email dated 11.03.18 to Kevin in support of proposal			11.05.18
D.71	1	Diane Moug email dated 11.05.18 to Kevin in support of proposal			11.05.18
D.72	1	Russell Speirn email dated 11.05.18 to Kevin in support of proposal			11.05.18
D.73	1	Joe VanLeuven email dated 11.05.18 to Kevin in support of proposal			11.05.18
D.74	1	Mark Ososke email dated 11.06.18 to Kevin in support of proposal			11.06.18
D.75	1	Nathan Ramsey email dated 11.09.18 to Kevin in support of proposal			11.09.18
D.76	1	James Chung email dated 11.10.18 to Kevin in support of proposal			11.10.18
D.77	1	Marta Fisher email dated 11.10.18 to Kevin in support of proposal			11.10.18
D.78	1	Kelcy King email dated 11.15.18 to Kevin in support of proposal			11.15.18

<b>'D'</b>	<b>#</b>	<b>Written Testimony Received</b>			<b>Date</b>
<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>PDF Page</b>	<b>Doc Page</b>	<b>Date Received/ Submitted</b>
D.79	4	Carol Chesarek email re: parking at Wildwood & Leif Erikson trailheads dated 2.07.19 to Joanna Valencia w/attachments			2.07.19
D.80	1	McArdle email dated 2.28.19 to Kevin in opposition to proposal			2.28.19
D.81	2	Forest Park Conservancy dated 4.03.19 in support of proposal			4.05.19
D.82	1	Portland Parks and Recreation dated 4.09.19 in support of proposal			4.11.19
D.83	2	James Thayer letter in support of proposal			4.28.19
D.84	2	April Gutierrez letter in support of proposal			8.12.19
D.85	1	Susan Watt letter in support of proposal			8.30.19
D.86	2	Urban Green Spaces Institute			9.05.19
D.87	2	Jinnet Powel letter in support of proposal			9.05.19
D.88	3	West Multnomah Soil and Water Conservation District			09.20.19