



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
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DECISION OF THE PLANNING DIRECTOR

DESIGN REVIEW and FLOODPLAIN DEVELOPMENT

Case File Nos.: DR 0-1 and FD 0-5

April 10, 2000

Proposal: Application for a Design Review (DR) permit and a Floodplain Development (FD) permit for a 1.2-mile extension of the existing Springwater Corridor Trail. The proposed extension will involve three properties approximately 13.37 acres. The applicant obtained approval for the use of the properties CS as a park under the Community Service application, CS 0-1. The Hearings Officer's Decision was issued on March 14, 2000. The Design Review application is required for all Community Service use applications. Related case: GEC 0-11.

Location: No site address. See attached map.
T1S, R3E, Section 23, Tax Lot 2800 at 5.73 acres (R#99323-0390).
T1S, R3E, Section 23, Tax Lot 4600 at 4.08 acres (R#99323-0380).
T1S, R3E, Section 24, Tax Lot 5100 at 3.56 acres (R#99324-0850).

Applicant/ Patty Freeman, Landscape Architect
Property City of Portland Parks and Recreation
Owner: 1120 SW Fifth Avenue, Suite 1302
Portland, OR 97204-1933

Zoning: Multiple Use Agriculture (MUA-20).

Planning Director's Decision:

Approved with Conditions, the request for Design Review approval and Floodplain Development approval for the 1.2-mile extension of the existing Springwater Corridor Trail as described in the "Proposal" section above and described herein.

APPROVAL CRITERIA: The applicable approval Criteria for this decision include the following Multnomah County Code (MCC) provisions: MCC 11.15.2122 et seq., Multiple Use Agriculture (MUA-20); MCC 11.15.6100 - .6148, Off-Street Parking and Loading (OP); MCC 11.15.7805 - .7870, Design Review (DR); and Chapter 29.600 - 29.610, Flood Hazard Regulations.

The appeal period for this decision closes on April 24, 2000.

CONDITIONS OF APPROVAL:

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Staff Planner: Tricia R. Sears
Phone: (503) 248-3043

1. The applicant's proposed signs are in compliance with the Multnomah County Code criteria for signs in Section .7902 to .7982. The Community Service approval, CS 0-1, and the Design Review approval, DR 0-1, shall be considered the approval in lieu of sign permits, for the location and design of the proposed signs on the three-property site. Signs proposed for the site subsequent to the issuance of DR 0-1 shall be reviewed through the sign permit process at the Multnomah County Land Use Planning office.
2. The applicant and/or property owner shall obtain approval of a Grading and Erosion Control permit (GEC), prior to the proposed site work, for any disturbance of soil or earth materials - including but not limited to cutting, stripping, filling, stockpiling, or any combination thereof - that exceeds 50 cubic yards. A decision for the applicant's Grading and Erosion Control permit, GEC 0-11, will be issued separately.
3. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved. The applicant shall comply with the conditions set forth in the prior related case, **CS 0-1**, and in these cases, **DR 0-1 and FD 0-5**, except as may be modified by this decision and related decisions, including **GEC 0-11**.
4. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been **paid in full**.
5. In accordance with MCC 11.15.7870, Design Review approval shall expire in 18 months from the date of final design review approval. Upon application, a six-month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Planning Director's decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

Summary

Applicant:

Narrative statement from the General Land Use Application Form.

Please consider the enclosed plans along with this narrative as the submittal for the design review for the Palmbled Road to Rugg Road portion of the Springwater Corridor. Because the trail development is very simple and requires little plan detail, the plans combine the Site Plan with the Site Analysis. There will be no removal of existing vegetation and no new planting, so there is no Landscaping Plan included in the set. We are doing no building of any structures, so we have also not submitted any architectural drawings.

The project is a simple gravel paved trail from Palmbled Road to Rugg Road on existing gravel railroad ballast. The site is currently being used as an undeveloped trail. The trail will be a 1.2-mile addition to a 13.7-mile trail that will eventually connect the East bank of the Willamette River in Downtown Portland to Boring, Oregon. Plans are underway for an additional 2.5 miles along the river in Southeast Portland. The trail will make use of the existing gravel widths to

provide a paved section that ranges from 7.5' wide to 9.5 wide. On the north side, the trail will have a 1.5' wide gravel shoulder. On the south side, it will provide a 5' wide gravel horse path. The trail will have wooden bollards with trail signage, and standard safety and traffic signs for drivers at the Palmbled Road crossing as well as trail users. It also provides such safety improvements for locations where the trail crosses private driveways. Simple trail amenities will be included as described on the plans and in the project description previously submitted. There are two locations where the trail crosses existing bridges, one at a tiny tributary to Johnson Creek, and the other at Johnson Creek itself.

Staff:

Related cases:

PA 32-99, CS 0-1, DR 0-1, FD 0-5, and GEC 0-11.

Site Description and Background:

The subject parcel is zoned Multiple Use Agriculture (MUA-20). The site is directly accessed via SE Telford Road, SE Rugg Road, and SE Palmbled Road. The property owner of the subject properties (R#99323-0390, R#99323-0380, R#99324-0850) is the City of Portland. The site is an old railroad corridor, formerly used for rail service by the Springwater Division Line. The properties were acquired by the City of Portland in 1990.

The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in MCC 11.15.6100 for Off-Street Parking and Loading (OP) and in MCC 11.15.7805 for Design Review (DR). Section .7010 (F) of the Community Service provisions requires Community Service applicants to obtain Design Review approval. The applicant received approval with conditions for a Community Service use, CS 0-1, on March 14, 2000 with the issuance (mailing) of the Hearings Officer's Decision.

The application for Design Review, DR 0-1, was submitted on December 30, 1999 and deemed incomplete on January 28, 2000. Staff met with the applicant and walked the site on January 26, 2000, as part of the review for the Community Service application, CS 0-1. The applicant submitted additional application information on February 3, 2000. However, Staff cannot issue the Design Review decision prior to the issuance of the Community Service decision (a determination of use). The Hearings Officer's Decision for CS 0-1 was signed on March 11, 2000 and issued (mailed out) on March 14, 2000. Case file CS 0-1 was approved by the Board of Community Commissioners on the consent agenda calendar on April 6, 2000.

The application for the Floodplain Development permit, FD 0-5, was submitted on March 7, 2000. Condition of Approval # 5 from the Hearings Officer Decision for CS 0-1, stated, "The applicant shall obtain a Floodplain Development Permit for any development of the trail park, unless the applicant submits a Floodplain Elevation Certificate to the County that demonstrates that all development will occur one foot above base flood level or higher."

The applications for DR 0-1 and FD 0-5 were deemed complete April 7, 2000. Please see the applicant and Staff comments below.

Exhibits:

- 1) Copy of a portion of the Springwater Corridor Trail brochure.
- 2) Copy of the applicant's detail "Bollard - Fixed in Place".

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- 3) Copy of the applicant's detail "Removable Bollard".
- 4) Copy of the applicant's detail "Trail Section".
- 5) Reduced copy of the Grading & Erosion Control Plan, G1
- 6) Reduced copy of the Grading & Erosion Control Plan, G2
- 7) Reduced copy of the Grading & Erosion Control Plan, G3
- 8) Reduced copy of the Grading & Erosion Control Plan, G4
- 9) Reduced copy of the Grading & Erosion Control Details, G5

Multnomah County Code

Multiple Use Agriculture (MUA-20)

11.15.2122 Purposes

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.

11.15.2124 Area Affected

MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

Staff: The subject parcel is zoned MUA-20 according to the zoning maps on file at the Multnomah County Land Use Planning office.

11.15.2126 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 .2128 through .2136.

Staff: Under Section .2132, the provisions of subsection (A) in the MUA-20 zone list "Community Service Uses pursuant to the provisions of MCC .7105 through .7041" as a Conditional Use. The applicant received approval for the use of the site as a park. The Multnomah County Code provides for a "park, playground, sports area, golf course or recreational use of a similar nature" under Section .7020(A)(10) of the Community Service standards.

The applicant received approval for a Community Service use designation under the Hearings Officer's Decision issued on March 14, 2000. The application meets the criterion.

11.15.2132 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;**
[Amended 1982, Ord. 330 § 2]

Staff: See comments in Section .2126 above.

11.15.2134 Accessory Uses

Please note, the following narrative responses, with slight modifications to MCC 11.15.2134 are from the Staff Report for CS 0-1 dated February 9, 2000. Exhibit references are to plan sheets located in case file CS 0-1.

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982. [Amended 1986, Ord. 543 § 2]

Applicant: Signs are considered an accessory use in this zone. There will be signage included in the trail improvement package under review. These are primarily street signage and traffic control signage as required for public safety at locations where the trail crosses other traffic. Within the Multnomah County section of the project there is one street crossing and six driveways that cross the trail. In addition there is trail signage on bollards. The detail showing how signs are mounted on bollards is detail 3 sheet L7 in the Project Manual submitted for review. Accompanying the application will be graphics demonstrating the sign design. It matches signage on the existing trail in Portland.

Staff: The applicant proposes 14 signs according to plan sheets L9 and L10. Sheets L9 and L10 are attached as Exhibits #9 and #10. The applicant has provided a graphic of the proposed sign graphic; it is attached as Exhibit #15. The applicant's narrative refers to detail 3 on sheet L7 to show how signs are mounted on bollards; this detail is attached as Exhibit #7. Sheet L8, attached as Exhibit #8, also illustrates the signpost shapes and sizes that will be typical along the trail. The signs proposed by the applicant are essential for communicating in regards to safety, distance traveled, and direction.

Signs will be installed on the site; the application meets the criterion.

(B) Off-street parking and loading;

Applicant: There is no new off-street parking and loading proposed for this project. The trail is primarily used by people walking, running, or bicycling from their homes. There will be people who drive to the trail and park, but the existing spaces at the intersection of Palmbled and Telford will provide sufficient parking for this location. See Policy 31(I).

Staff: The applicant states that no new parking will be established for this site. The site is not considered a trailhead to the Springwater Corridor Trail. There is an existing graveled area abutting the paved surface of Telford Road and the trail. That area could serve, and already does serve, as an informal parking area. The applicant's narrative description (pg. 5) states that the parking area provides space for eight (8) vehicles. Alan Young from the Multnomah County Right-of-Way Division, stated that it is ok to use the gravel area as an informal parking area. The applicant has obtained a permit from the Right-of-Way Division for modifications to the crosswalk and paving of Telford Road and Palmbled Road. The Hearings Officer described several concerns in her response to this criterion in her decision for CS 0-1 issued (mailed) on March 14, 2000. Staff has chosen to include her narrative in the Staff response to MCC 11.15.7850(A)(5) under the Design Review standards.

The application satisfies the off-street parking requirements.

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and

Applicant: The proposed improvements include a slab for a porta-potty. Portland Parks and Recreation would like the option of providing a porta-potty on-site if the need is demonstrated. There has been much input to the Bureau regarding the need for more of these facilities. If the porta-potty was put in place, it would be provided by a service for the summer season, and cleaned by the same service.

Staff: Sheet L8, attached as Exhibit #8, illustrates the port-a-potty concrete slab. Sheet L9, attached as Exhibit #9, illustrates the location of the port-a-potty. The applicant, via phone conversation on February 1, 2000, stated that the City of Portland would monitor the activity along the newly extended Springwater Corridor Trail to see if a need exists for the placement of a port-a-potty on the trail. Sheet L9, attached as Exhibit #9, illustrates the location of the port-a-potty (if one is placed on the trail). The City of Portland requests permission to install the port-a-potty along the trail if a need is recognized. This request is based upon comments received from trail users of and experience with the existing portions of the Springwater Corridor Trail.

According to MCC 11.15.0010, the definition of *accessory building* is "A subordinate building, the use of which is clearly incidental to that of the main building on the same lot." According to the American Heritage Dictionary, *accessory* is defined as, "having a secondary, supplementary, or subordinate function," and *incidental* is defined as "of a minor, casual, or subordinate nature". Based on the definitions of *accessory building*, *accessory*, and *incidental*, as provided in the Multnomah County Code and in The American Heritage Dictionary, Staff finds the proposed port-a-potty is an accessory use but not an accessory building. There are no other buildings on the site. Without another building acting as the primary building, the port-a-potty can't be considered an accessory building. The primary use of the site is the trail. The criterion provides for structures or uses that are "customarily accessory or incidental" to the use permitted or approved in the district. The structure and use are accessory and incidental.

The applicant proposes to install a port-a-potty on the site. The port-a-potty is incidental to the trail and is thus a structure that is incidental to the use of the three-lot site. Staff finds the criterion provides for the proposed use and hence the application meets the criterion.

11.15.2138 Dimensional Requirements

(A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.

Staff: None of the three subject lots meet the minimum lot size of 20 acres.

Because the subject lots do not meet the minimum lot size of the zone, Staff has addressed the provisions of MCC 11.15.2142.

(B) That portion of a street which would accrue to an adjacent lot if the street were

vacated shall be included in calculating the area of such lot.

Staff: The applicant does not propose to vacate a street.

The criterion is not applicable to the proposal.

(C) Minimum Yard Dimensions - Feet

Front Side Street Side Rear

30 10 30 30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

[Amended 1984, Ord. 428 § 2]

Staff: The applicant proposes to install trail signs and one port-a-potty. These structures will not exceed the height limit of the zone. Dimensional standards will be met.

The application meets the criterion.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

Staff: Multnomah County Right-of-Way Division does not require dedication of right-of-way for this proposal.

The criterion is not applicable to this proposal.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: The applicant proposes to install trail signs and one port-a-potty. These structures will not exceed the height limit of the zone.

The application meets the criterion.

(F) [Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]

11.15.2142 Lot of Record

(A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.

Staff: The tax lots involved in this proposed extension of the Springwater Corridor were not established until 1990. Prior to 1990, the said three-property site was railroad right-of-way. The right-of-way was in "recordable" form prior to October 6, 1977.

In her March 11, 2000 decision, issued (mailed) on March 14, 2000 the Hearings Officer wrote, "In response to the Hearings Officer's concerns, the applicant provided copies of deeds from around the turn of the century (prior to 1910) that conveyed land to railroad companies. At the time, land division approval was not needed. The recording of a deed was all that was needed to successfully divide and transfer land. The applicant says these deeds 'are the lands that are included in the project under consideration'. As such, the deeds show that the subject property consists of a number of historical lots that were created when landowners deeded land to the railroad. So the "right-of-way" discussed above was not merely an easement right to cross land but it was a strip of continuous narrow and long parcels of land that had been deeded to the railroad. As a result, the hearings officer finds that the parcels of land that make up the subject property are lots of record."

Based on the above findings of the Hearings Officer from CS 0-1, the application meets the criterion.

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.**

Staff: The Lot of Record has over 50 feet of frontage on a public road as the site abuts SE Telford Road for 1.2 miles.

The application meets the criterion.

- (D) Except as otherwise provided by MCC .2140, .2144, .6256 and .7720, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

Staff: This criterion is included for informational purposes.

11.15.2146 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC .6100 through .6148.

Staff: For the analysis, please see the Staff comments under the Off-Street Parking and Loading requirements below in MCC 11.15.6100 through .6148.

11.15.2148 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Staff: The applicant site plans, attached to this report as exhibits, illustrate the location of the access to the site. The main access to the site is from the intersection of the existing Springwater Corridor Trail with Palmbled Road, and the intersection of the proposed trail extension (existing as a path) with SE Rugg Road. The applicant also states that six driveways access the trail.

The application has been reviewed by the Multnomah County Right-of-Way Division. The application meets the criterion.

Off-Street Parking and Loading (OP)

11.15.6100 Purposes

The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.

11.15.6102 General Provisions

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

Staff: The applicant received approval under the Hearings Officer decision for CS 1-97 issued on December 31, 1997 for the use of the site for a cellular communications facility (the 160-foot monopole and accessory structures). The BCC upheld an appeal of the Hearings Officer's decision and the Final Order for CS 1-97 was issued on February 3, 1998. The applicant/ property owners are hence required to meet the parking standards of the Multnomah County Code as described herein.

11.15.6106 Continuing Obligation

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.

Staff: The applicant/ property owners shall maintain the required level of parking on the site. The applicant site plan illustrates a total of two (2) parking spaces as required by the Hearings Officer's decision in Condition of Approval #10 and under Section .7035(B)(9). The application meets the criterion.

11.15.6108 Plan Required

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping

and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

Staff: The applicant has submitted detailed site plans showing the required items: location of the proposed structures, parcel dimensions, access to the site, circulation layout for vehicles and pedestrians, space markings, setbacks, site elevations, abutting uses, and landscaping. The site plans were submitted on December 8, 1999 and show the required parking spaces on the subject parcel and the buffer requirements. Revised site plans were submitted by the applicant on January 7, 2000. Attached to this decision are Exhibits #1, #2, #3; these are reduced copies of site plans submitted by the applicant. The application meets the criterion.

11.15.6110 Use of Space

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

Staff: The on-site parking spaces will be provided as required under Condition of Approval #10 in the Hearings Officer's decision issued on December 31, 1997. The number of required spaces is determined under Section .7035 (B)(9). The applicant describes the site as un-manned and that the site will have a technician visit the site one time per month. The application meets the criterion.

11.15.6112 Location of Parking and Loading Spaces

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

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

Staff: The applicant site can and will accommodate the required parking and maneuvering areas. The application meets the criterion of subsection (A) and (C).

11.15.6116 Change of Use

- (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) 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.**

Staff: The applicant is required to install the appropriate number of required parking spaces for the cellular communications facility on the site, as previously discussed. See

also the Conditions of Approval. The applicant shall submit for the appropriate and required applications as applicable at the time of future activity on the site.

11.15.6126 Design Standards: Scope

- (A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**
- (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 into the right-of-way of a public street.**

Staff: The applicant is required to comply with the parking standards as described by the Multnomah County Code and included herein the decision for DR 8-99. This criterion is included for informational purposes.

11.15.6130 Dimensional Standards

- (A) Parking spaces shall meet the following requirements:**
 - (I) 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.**
- ***
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

Staff: The applicant site plan illustrates the location of the two parking spaces on the site. Based on the scale of the submitted site plan, the applicant proposes to construct the two required parking spaces in accordance with the requirements. The application meets the criterion.

11.15.6132 Improvements

- (A) Surfacing**
 - (I) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

Staff: The applicant site plan illustrates the driveway will be a 12" wide, gravelled driveway with "paving to match that of the compound". The applicant is required to provide documentation to Multnomah County Land Use Planning that the gravelled driveway provides "a durable and dustless surface capable of carrying a wheel base load of 4,000 pounds." Condition of Approval #6 requires this documentation be provided within 60 days of construction of the driveway. The application meets the criterion for having a durable parking surface at the site.

- (B) Curbs and Bumper Rails**

- (I) 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.

Staff: The cellular communications tower site is enclosed by a 6-foot high chain link fence with 12" high, 3-strand, barbwire top, according to the site plan attached as Exhibit #2. In addition, maple trees border the subject property on two sides. The applicant will also provide a 25-foot wide landscape buffer along NW Charlton Road. The application meets the criterion.

- (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.**

Staff: Staff did not review drainage calculations for the site with this application. Drainage calculations will be reviewed under the Grading and Erosion Control permit. The applicant is required to meet the standard.

11.15.6134 Lighting

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

Staff: The applicant has provided a copy of the utility plan for the site; the sheet is identified as sheet E2 in the submitted plan set. Therefore, based on information provided by the applicant, Staff finds the application meets the criterion.

11.15.6136 Signs

Signs, pursuant to the provisions of 11.15.7964.

Staff: Pursuant to the applicant statement in MCC 11.15.7850(A)(1)(a)(9), no signs will be established on the site. Staff has established a Condition of Approval requiring the applicant to obtain a sign permit if a sign is proposed for the site in the future.

11.15.6138 Design Standards: Setbacks

- (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.**

Staff: The applicant driveway connects directly to NW Charlton Road, a public street. The driveway and parking area are not within the required yard setback. Staff finds the application meets the criterion.

11.15.6140 Landscape and Screening Requirements

- (A) The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).**

Staff: The applicant site plan illustrates the requirements of Section .7855 (C)(3) to (7). See the Staff comments under those provisions. The application meets the criterion.

- (B) Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).**

Staff: The applicant states that a fence will be constructed around the cellular communications tower portion of the subject parcel. In addition, the site plan illustrates the vegetative buffer along NW Charlton Road, and between the subject property and the abutting Sauvie Island school property. The application meets the criterion.

11.15.6142 Minimum Required Off-Street Parking Spaces

See Section .7035 (B)(9), Radio and Television Transmission Towers.

- (B) Approval criteria for new transmission towers in urban residential districts. New transmission towers in urban residential districts permitted under MCC .7020(15)(a) may be allowed, based on findings by the approval authority that the following approval criteria are met.**

- (9) Parking – A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel.**

Staff: The applicant site plans, attached as Exhibit #1 and Exhibit #2, illustrate the location of the two (2) required parking spaces as established under Condition of Approval #10 from the December 31, 1997 Hearings Officer decision. The application meets the criterion.

Design Review (DR)

11.15.7805 Purposes

MCC .7805 through .7865 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.

Staff: As has already been established, the applicant/ property owners are required to submit the Design Review application pursuant to Condition of Approval #3 under the Hearings Officer decision issued March 14, 2000 for CS 0-1. In addition, Section .7010 (F) requires all Community Service uses to obtain Design Review approval.

11.15.7810 Elements of Design Review Plan

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.

Staff: The required items have been illustrated on the applicant's submitted site plans. No buildings exist on the site. The applicant has received approval under CS 0-1 for the option to place a port-a-potty on the site. The applicant has stated placement of the port-a-potty on the site will occur only after careful evaluation of the need for a port-a-potty at the site. Cut and fill areas will be illustrated on the applicant's plans for the Grading and Erosion Control permit identified as case file GEC 0-11.

The application meets the criterion.

11.15.7830 Design Review Plan Contents and Procedure

(F) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;**
- (2) Parking and circulation areas;**
- (3) Location and design of buildings and signs;**
- (4) Orientation of windows and doors;**
- (5) Entrances and exits;**
- (6) Private and shared outdoor recreation spaces;**
- (7) Pedestrian circulation;**
- (8) Outdoor play areas;**
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;**
- (10) Areas to be landscaped;**
- (11) Exterior lighting;**
- (12) Special provisions for handicapped persons; and**
- (13) Other site elements and spaces which will assist in the evaluation of site development.**

Staff: See Section .7840 (A) for Staff comments.

11.15.7840 Final Design Review Plan

Following receipt by the applicant of the summary findings and conclusions under MCC .7835, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC .7830(F) and (G), as appropriate;**

Staff: The applicant has identified the existing vegetation on the site on the submitted plans. Additional plans illustrating the site work can be found in case files CS 0-1 and GEC 0-11. No buildings exist on the site. The applicant has received approval for placement of a port-a-potty on the site if the City determines a need for the port-a-potty exists. The applicant will be required to submit for building permits prior to placement of the structure on the site. Two bridges exist on the site and will be retained.

The application meets the criterion of Section .7830(F) and (G).

- (B) Architectural drawings, indicating floor plans, sections, and elevations; and**

Staff: No buildings are proposed for the site. The City is required to obtain building permits for the port-a-potty if the structure is placed on the site.

The criterion is not applicable at this time.

11.15.7850 Design Review Criteria

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

- (I) 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.**

Staff: There are no existing buildings on the subject properties involved in the application. The existing path contains two bridges over Johnson Creek. Staff and the applicant walked the length of the path, proposed for the trail extension, on January 26, 2000, during the review process for CS 0-1. The applicant's proposed improvements to the existing path will improve the path to be handicap accessible. Site photos in case file CS 0-1 illustrate the existing site and when viewed in conjunction with the site plan details, provide the visual aids to determine the elements of the applicant's plans are harmonious to the existing site.

The proposed 1.2-mile extension of the Springwater Corridor Trail will relate harmoniously to the natural environment. The application meets the criterion.

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

Applicant: The trail requires no special design features to promote energy conservation; any non-motorized trail that provides an opportunity for bicycle commuting is by its nature promoting alternatives to automobile use, thereby promoting energy conservation. No aspect of these simple trail improvements conflict with the goal of energy conservation.

Staff: The proposed project is to extend the existing Springwater Corridor Trail for 1.2 miles in unincorporated Multnomah County and .1 miles in Clackamas County. As the applicant stated, the trail use is for non-motorized activities and by that very fact, the trail promotes energy conservation. Staff does not anticipate adverse conditions at the site in terms of climate, noise, and air pollution. The applicant's site already contains a vegetative buffer along both sides of the existing path proposed for improvement.

The application meets the criterion.

- (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.**

Staff: The elements of the design review plan submitted by the applicant are efficient and effective. The site plan illustrates the spatial variety and order of the site. The use of the three-property site for a park for a trail was approved under the Community Service use application, identified as case file CS 0-1.

The application meets the criterion.

- (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.**

Applicant: The existing native and naturalized vegetation provides a dense and attractive buffer to adjoining properties. The character of this vegetation is the most suitable screening for this trail in the rural setting. It provides a sense of escape to the trail users and a sense of privacy to the adjacent neighbors. It blends seamlessly with the naturalized vegetation in nearby wooded areas, along fence lines and along Johnson Creek.

Staff: The applicant site plan shows the location of the existing vegetation on the site. No buildings exist on the site. Vegetation along both sides of the existing path/ proposed trail provides "appropriate transitions" for public and private areas on the site.

The application meets the criterion.

- (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.**

Applicant: With the proposed improvements, the trail will be accessible to the disabled for its entire length. Paving the surface is required for universal accessibility as well as compatibility with road bicycles. The route is extremely flat because it was used as a rail line, and every aspect of the improvements have been designed to ensure accessibility.

Staff: Staff anticipates the applicant will comply with the provisions of the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC) standards for the trail.

The application meets the criterion.

- (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.**

Applicant: The existing natural landscape will be entirely preserved by this project to prevent erosion and leave the existing buffer. The only changes to the existing conditions will be minor grading on the edges of the existing rail bed and pruning of the blackberries. In the future, efforts will be made to reduce the quantity and vigor of the blackberries and encourage the existing natives to compete and fill in where the blackberries are removed.

Staff: The applicant has stated repeatedly in the narrative that the existing vegetation on the site will be retained on the site. Non-native plant removal, such as the removal of blackberry, is on-going project for the City of Portland's Parks and Recreation Department. The applicant site plan illustrates the location of the existing vegetation on the site. Staff visited on January 26, 2000.

The application meets the criterion.

- (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.**

Applicant: There is a small amount of parking available on-street at Palmblad and Telford Roads. The site is not conducive to or appropriate for parking provision as it is an old railroad right-of-way, and the trail and existing vegetation entirely occupy it. It is not our desire to provide parking within the corridor, and the intersection of Palmblad and the trail is not an access point more significant than any other. However, the trail has a Master Plan document that states that trailheads with parking will be needed every 3-4 miles along the trail. These properties are being acquired and developed. There is a trailhead at Hogan Road in Gresham which has 68 parking spaces, and a property was recently acquired in Boring to provide the next trailhead and parking lot, approximately three miles away. As most trail users will ride, walk or run from home to the trail, we feel that the available parking is adequate.

Staff: In the Hearings Officer's Decision issued (mailed) March 14, 2000, the Hearings Officer wrote, "The Hearings Officer is concerned about the safety of the informal parking area on Telford Road. The area is, basically, unimproved and it appears that vehicles must back into Telford Road when leaving the park. The applicant advised the hearings officer that it provides 68 parking spaces at Hogan Road, about 1 mile from one end of the trail. This amount of parking sounds significant but the record plainly shows that trail users choose to park in the unimproved area along Telford Road. As the trail park use causes these vehicles to park in this location, the applicant should show during design review: (a) that the area will be improved to meet County parking lot standards and that the approval of the landowners/ County have been obtained to authorize improvements; or (b) that the trail use is exempt from parking requirements; or (c) that other parking areas owned by applicant meets code requirements for parking and the applicant or County will take appropriate measures to close the Telford Road area to use; or (d) that the Telford Road parking situation meets all applicable zoning code standards. In the event the County finds that the applicant is not responsible for the Telford Road parking area, the hearings officer feels strongly recommends that the County take appropriate steps to assure motorist safety at this location by improving the area to add room for backing outside of the travel lanes of the roadway, closing the area to parking or required parallel parking only."

Staff notes the applicant's statement, received on April 7, 2000, that they have chosen option (c) of the options prescribed by the Hearings Officer in her decision for CS 0-1 (and included above). The option is, "that other parking areas owned by applicant meets code requirements for parking and the applicant or County will take appropriate measures to close the Telford Road area to use."

The application meets the criterion.

(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

Applicant: Along portions of the trail where grading requires it, perforated drain lines will be installed in gravel trenches with outlets in the existing drainage ditches parallel to the trail. This drainage is shown on the plans. It will simply replace the existing ditch with an underground line for short distances, and then flow back into the existing ditch. There is little if any grade and therefore little flow, so no velocity of flow will result from this collection and release of water.

Staff: The applicant is required to obtain a Grading and Erosion Control (GEC) permit and the applicant has submitted the GEC application. Staff has reviewed the above reference site plans. Site plans in case file GEC 0-11 provide additional information on drainage circumstances on the three properties involved in the project. Staff has not calculated the surface water run-off but finds, based on the applicant's narrative description and site plan materials, the surface water run-off is not likely to "adversely affect neighboring properties or streets".

The application meets the criterion.

(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.

Applicant: The 100' trail corridor property is over two-thirds vegetated with native and naturalized vegetation. Aside from blackberry vines close to the trail itself, the quality of the native vegetation is very high. It is dense and diverse, including Big Leaf and Vine Maple, Red Osier Dogwood, Salal, and Sword Fern. This vegetation will be entirely preserved and will receive on-going enhancement and maintenance over time. Portland Parks & Recreation has had extremely good luck on other parts of the corridor and in other natural areas with our blackberry maintenance program. No new planting will be done and no irrigation will be required for this established native planting.

Staff: The applicant states that no vegetation will be removed (except the non-native blackberry and that is an on-going project) from the three properties to accommodate the extension of the Springwater Corridor Trail. The existing path/proposed trail is screened on both sides of the path/ trail by the existing vegetation. The applicant's submitted plan materials illustrate the location of the existing vegetation on the site.

The application meets the criterion of minimizing the adverse impacts of the site to neighboring properties by maintaining and installing the appropriate screening and landscaping.

(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Applicant: No comment.

Staff: The project does not include the installation of utilities.

The criterion is not applicable to the application.

(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.

Applicant: The signage on the site has been noted on the plans, and will either be mounted on wood bollards per detail 2 sheet DR3, or they will be standard traffic safety metal signs mounted on poles. An example of the trail signage has been submitted previously on a separate sheet.

Staff: As previously established in the review of CS 0-1, under Staff comment for MCC 11.15.7904, the applicant site plan information showed fourteen (14) signs for the 1.2-mile stretch of trail. Details of these signs were shown on the site plan information submitted for CS 0-1 and remain in that case file. The Community Service and Design Review cases provide the applicant with the approval for the location and design of the signs as proposed. Should the applicant propose a sign for the site in the future, the applicant shall submit a sign permit and that sign shall be reviewed by Multnomah County's Land Use Planning office under the sign code

provisions in place at that time. See also the Staff comments under MCC 11.15.7904 - 7964.

The application meets the criterion.

11.15.7855 Required Minimum Standards

(C) Required Landscape Areas

Staff: The applicant's proposal meets the required landscape standards as described in this decision for DR 0-1. Staff finds subsection (C) has been addressed.

Signs

11.15.7904 Applicability and Scope

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

Applicant: Our proposal is to develop a standard trail etiquette sign to be installed at trailheads. We are also considering the occasional use along the trail of a trail courtesy yield sign. Enclosed is a Springwater Corridor Trail brochure with safety tips that would be similar to what might be included on a trail etiquette sign, simplified and clarifying the need for verbal warning with horses. On the same fold is shown a yield symbol that might be used along the trail. The locations where we would locate trail etiquette signs would be at the Southeast Portland trailhead and at the Hogan Road trailhead in Gresham. Good locations for the yield sign might be close to locations where horse riders enter the trail, such as stable locations.

In our attempt to view the trail system as a whole and to use signage judiciously, this proposal seems to best address the concerns of the equestrian community while meeting our design goals. We are beginning effort to design an etiquette sign, and will install it at the two locations in time for the busy summer season.

Staff: The applicant site plan information from case file CS 0-1 indicates that fourteen (14) signs are proposed with this application for the 1.2-mile stretch of trail in Multnomah County. With the approval by the Hearings Officer of CS 0-1 and this decision for DR 0-1, the location and type of signs to be placed on the site [signs are accessory use as established under Section .2134 (A)] is approved. The decision for DR 0-1 will serve in lieu of a sign permit for placing the signs on the site. Within this Staff Report, Staff has included portions of the sign regulations from the Code. Any additional signs proposed for the site shall be reviewed by the Land Use Planning Staff under the applicable provisions of the Multnomah County Code at the time the sign permit application is submitted.

The applicant will comply with all applicable sign standards. The application meets the criterion.

11.15.7906 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, as required by MCC 11.15.8715, must be approved prior to erection of the sign.

Staff: See Staff comments in Section .7904.

11.15.7962 Applicability

All signs allowed under the base zone provisions must comply with the development regulations of the following Sections.

11.15.7964 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.

Staff: The applicant does not propose to install signs in 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.

Staff: Signs placed along the trail are directional signs. See Exhibit #1 for an example of some of the sign types. See Exhibit #2 for an illustration of the "Bollard - Fixed in Place" and Exhibit #3 for "Removable Bollard". See Exhibit #4 for the illustration of the "Trail Section".

(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 Figure .7900B). The height of the vision clearance area is from three feet above grade to ten feet above grade.**

Staff: The proposed signs and bollards are not located in the vision clearance areas.

The application meets the criterion.

(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.

Staff: The applicant does not propose signs in the area along Telford Road where vehicles sometimes park. There are signs at the trail entrance at the intersection of the Springwater Corridor Trail with SE Palmblad Road and SE Telford Road. Traffic signs are also located at that intersection, as well as pavement markings (crosswalk) and trail entrance signs.

The application meets the criterion.

(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.

Staff: The applicant does not propose to have signs above the trail.

The criterion is not applicable to this proposed extension of the existing trail.

(F) Required Yards and Setbacks

Signs may be erected in required yards and setbacks.

Staff: Some of the applicant's signs may be placed in the required yards and setbacks.

The application meets the criterion.

(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.

Staff: At this time, the applicant does not propose to install signs for parking.

The criterion is not applicable to the proposal at this time.

Flood Hazard Regulations

29.600 Purposes

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within unincorporated Multnomah County to participate in the National Flood Insurance Program.

29.601 Definitions

For the purpose of this subchapter, the following definitions shall apply:

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse.

Elevation Certificate. The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Watercourse. Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

29.602 Areas Affected

- (A) The provisions of MCC 29.600 - 29.611 shall apply to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse as defined by MCC 29.601.
 - (1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.
 - (2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.

Staff: Staff reviewed the Federal Insurance Rate Maps (FIRM) maps and the Flood Boundary & Floodway Maps on file at the County (community panels # 410179-

0409A and # 410179-0407A) for the subject three-property site. These maps indicate some portions of the three properties are part of the 100-year floodplain. Copies of portions of these maps are included in case file CS 0-1. Original maps are available at the Land Use Planning office. Under the provisions of Chapter 29.3. "No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other development including but not limited to grading, mining, excavation and filling shall occur on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County." The definition of development is provided in 29.603 as, "Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown on within 100-year flood boundary as identified on the Flood Boundary and Floodway maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse." It should be noted that Chapter 29.604 provides, "Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood elevation." The applicant submitted an elevation survey, certified by a State of Oregon Registered Landscape Architect. The application for DR 0-1 and FD 0-5 involves three properties. Since portions of the subject properties are part of the 100-year flood boundary according to the FEMA maps on file at Multnomah County, and the proposed trail extension is development, the application is not exempt from the Floodplain Development permit.

The application meets the criterion because the appropriate application, for a Floodplain Development permit, FD 0-5, has been submitted to Multnomah County.

29.603 Permits

- (A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.**

Staff: See the above comments in 29.602.

- (B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.601 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.609.**

Staff: The applicant states, under Chapter 29.609, "No water course relocation or alteration will be done."

The criterion is not applicable to the proposed extension of the Springwater Corridor Trail.

29.604 Exemption from Development Standards

The following are exempt:

- (A) Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.**

Staff: The applicant has submitted an elevation survey, completed by a State of Oregon Registered Land Surveyor. It does not demonstrate "that the entire subject parcel is at least one foot above the base flood level." The proposed work is not exempt from the Floodplain Development permit. The applicant has submitted the Floodplain Development permit, FD 0-5.

29.605 Application Information Required

An application for development subject to a Floodplain Development Permit shall include the following:

- (A) A map showing the property line locations, the boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.**
- (B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.606. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.606.**
- (C) An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.**
- (D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.**
- (E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.**

29.606 Development Standards

The following standards shall apply to all new construction, substantial improvement or other development in areas within the 100-year flood boundary:

- (C) Nonresidential Structures.**

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:

- (1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:**

- (a) **Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and**
- (b) **Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and**
- (c) **Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.**

Applicant: The only structure placed on the site will be a port-potty brought in on an as-needed basis. It will only be in place for approximately three months per year, during the driest season. This structure will not be subject to flooding. There will be no residential structures included in this development. The porta-potty location will be a minimum of one foot above the base flood elevation.

Staff: The applicant states the location of the port-a-potty will be a minimum of one foot above base flood elevation. Because of the location at one foot or more above the base flood level, the building is not required to be floodproofed. The port-a-potty will be brought in on as-need basis, according to the applicant. The applicant submitted an elevation survey, certified by a State of Oregon Registered Land Surveyor.

The application meets the criterion.

(D) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

(1) Minimize infiltration of floodwaters into the system;

Applicant: The only system that will be installed for this project will be a simple storm drainage system, which will take the place of the existing informal drainage swales adjacent to the railroad ballast. The pipe joints will be sealed. These pipes will only come into contact with stormwater runoff. The only location where the storm drain line is on the south side of the trail is on a stretch of trail where Johnson Creek is not adjacent to the trail, maximizing the distance from floodwaters to the system.

Staff: The applicant proposes to install a storm drainage system as described above. The system will minimize infiltration of floodwaters into the system. Additional details about the applicant's proposed drainage system can be found in the application materials for the Grading and Erosion Control permit, GEC 0-11, for the proposed trail extension.

The application meets the criterion.

(2) Minimize discharge from systems into floodwaters;

Applicant: There is little runoff from the paved surface, which is only 7'6" wide to 9'6" wide. This surface is pitched away from the creek, and the gravel surface is pitched toward the creek. This way the runoff is divided in the two directions, and minimized in either one. In addition, the nearest location where a drain line daylight into the adjacent natural drainage swale is 2,000 feet from the location where the trail crosses Johnson Creek. The runoff water will run through long grasses and other plants at a slope of less than 1/2% before it reaches the creek. The only location where the storm drain line is on the south side of the trail is on a stretch of trail where Johnson Creek is not adjacent to the trail. The storm drain will have minimal impact on Johnson Creek, and in fact will change the flow of runoff from the trail very little from the existing swale system.

Staff: The applicant will minimize the discharge from the system into floodwaters as described above. The applicant's Grading and Erosion Control permit application, GEC 0-11, contains additional information about the proposed drainage system.

The application meets the criterion.

(3) Avoid impairment or contamination during flooding.

Applicant: The only contaminants to the system will be 1) a minimal amount of motor oil from occasional maintenance vehicle use of the trail, 2) the small amounts of horse manure that may be on the trail during a storm event, and 3) the sediment that may run off the trail into the adjacent drainages.

By maximizing the gravel filter or flat, vegetated swale contact with runoff, all of these minimal contaminants or water quality impairments are prevented from reaching the streams in any quantity. At the stream banks, additional native shrubs will be planted to help prevent erosion and help filter runoff. See revised sheet, G3, enclosed.

Staff: Staff has attached sheets G1, G2, G3, G4, and G5 from the applicant's Grading and Erosion Control permit. These plans detail the proposed site work and illustrate the applicant's comments from above. The plans are attached as Exhibits #5, #6, #7, #8, and #9. The applicant's proposed system will function to prevent or minimize impacts to the creek from contaminants on the property. Based on the applicant's above description, the number of contaminants on the site that may impact the creek are minimal.

The application meets the criterion.

29.607 Floodway Requirements

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.606, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway is prohibited, unless a detailed step

backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

Applicant: The project will not cause any encroachment into the floodway.

Staff: The applicant states the proposed extension of the trail will not "cause any encroachment into the floodway". The applicant is not required to provide a detailed step analysis because no encroachment is proposed.

The application meets the requirement.

CONCLUSIONS:

- A. The applicant has carried the burden necessary for granting approval for the Design Review application, **DR 0-1 and FD 0-5**, for the 1.2-mile extension of the Springwater Corridor Trail as described herein.
- B. Conditions of Approval are necessary to insure compliance with applicable Code provisions and Comprehensive Plan Policies and are enclosed within this document.
- C. The proposal as conditioned, satisfies Design Review approval criteria as detailed in the findings section above.

NOTICE: This decision was mailed April 10, 2000 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on April 24, 2000.

IN THE MATTER OF DR 0-1 and FD 0-5:

Signed: Tricia R. Sears, *Land Use Planner*
For: Kathy Busse, *Planning Director*

NOTICE:

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association, of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development applications. The notice must describe the method to appeal the decision and, if appealed, the County must hold a public hearing to consider the merits of the application. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830 [ORS 197.763, ORS 215.416(11)].

The Decision of the Planning Director detailed above will not become final until the 12-day appeal period for filing an appeal has expired. The 12-day appeal period that starts the day after the notice is mailed. If the 12th day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business day. Any person who is adversely affected or aggrieved by the decision, or who is entitled to written notice as described above, may appeal this decision. To file an appeal, complete an Appeal of Administrative Decision form and submit it to the Multnomah County Land Use Planning office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning office at (503) 988-3043, or visit our offices at 1600 SE 190th Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m. -4:30 p.m.; M-F].

Notice to Mortgagee, Lien Holder, Vendor or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.