



NOTICE OF DECISION

DESIGN REVIEW CASE: DR 1-99

March 29, 1999

WHAT: To extend the existing Wildwood Trail in Forest Park, currently approximately 28 miles in length. The total length of the proposed extension of the trail is 9,000 feet through the City of Portland and Multnomah County jurisdictions. The portion of the proposed extension in Multnomah County is approximately 1,350 feet in length from the Bonneville Power Administration (BPA) road to NW Newberry Road. The proposed trail will be 30 inches wide for the entire length of the trail. The applicant received Community Service approval for CS 3-98 on January 22, 1999.

WHERE: 14420 NW Newberry Road.
Tax Lot 18, Section 4, T1N, R1W, W.M. (R96104-0180).
See attached map.

WHO: *Property Owner:*
Jim Sjulín
City of Portland Department of Parks and Recreation
1120 SW 5th Avenue
Portland, OR 97204

Applicant:
Marshall Miller
Friends of Forest Park
921 SW Morrison, Suite 505
Portland, OR 97205

Applicant Representative:
Chris Cocker
David Evans and Associates, Inc.
2828 SW Corbett Avenue
Portland, OR 97201

Approval Criteria:

MCC 11.WH.2042 Community Forest Use, West Hills (CFU-2); MCC 11.15.6400 Significant Environmental Concern (SEC); MCC 11.15.6700 Hillside Development and Erosion Control (HDP); MCC 11.15.7005 Community Service (CS); MCC 11.15.7902 Signs; 11.15.7805 Design Review; Comprehensive Plan Policies 11, 13, 14, 22, 37, 38, and 40.

Decision:

Approval, with Conditions, of the proposed **Design Review, DR 1-99**, to implement the use approved by CS 3-98 for the use of the site as a park and the proposed extension of the Wildwood Trail for approximately 1,350 feet in Multnomah County. The application is subject to the applicable Multnomah County Code provisions and the Comprehensive Plan Policies. The application meets the requirements.

Previous Related Cases:

DR 1-99

Decision: March 29, 1999

Approval for the use of the site as a park and for the extension of the Wildwood Trail was granted by the Hearings Officer Decision on January 22, 1999 under case file CS 3-98. No other land use cases or building permits are on file for the site in the Multnomah County Land Use Planning Office.

FINDINGS AND CONCLUSIONS:

Applicant:

Site and Vicinity:

The subject property, Tax Lot 400, Map 1N 1W Section 4, is an approximately 1,350-foot portion of a 47-acre parcel (Tax Lot 400) located within Forest Park, south of NW Newberry Road and north of Skyline Boulevard.

The topography of the area around the proposed trail ranges from 16 to 22 percent. The average trail grade will be 9 percent.

The surrounding area is within Forest Park. Newberry Road runs through the northwest corner of the parcel.

Proposal:

The Friends of Forest Park requests Design Review approval for an extension of the Wildwood Trail within Multnomah County that will cover a distance of approximately 1,350 feet. The Community Service Use Permit (CS 3-98) for this proposed project was approved by the Multnomah County Hearings Officer on January 22, 1999. The subject site is part of the 47-acre parcel (Tax Lot 400) located within Forest Park, south of Newberry Road and north of Skyline Boulevard (please refer to the Exhibit Map).

The applicant proposes to create a trail that will connect to an extension of the Wildwood Trail within the City of Portland. Friends of Forest Park has received City of Portland permit approval to extend the 28-mile Wildwood Trail 9,000 feet to the city/ county boundary from the BPA road. The proposed trail improvement may require limited clearing of vegetative cover and earth cutting. A small sign will be posted at the trail confluence with Newberry Road in Multnomah County, but it would not be visible from Newberry Road. No benches, lighting, or other features are being proposed. The Forest Park Natural Resources Plan calls for five-foot-wide trails between Firelane #15 and Newberry Road, but the proposed trail will be cleared for a 30-inch width, which generally sloughs to 18 inches within a couple of years.

The trail will not be paved or covered with gravel or other material but will be recompacted as part of the Park's annual maintenance program. Since Newberry Road is accessible to neither bicycles nor horses, arrival is expected to be by car or on foot only. More accessible, better marked, and identified Forest Park trails in the north management unit receive three to four parked vehicles per day, therefore the parking generated along Newberry Road is expected to be minimal and will not impact the capacities of public services. While there is space for an estimated six vehicles to park along Newberry Road, no parking area would be created nor marked.

Staff:

The subject parcel is 47.65 acres in size and is owned by the City of Portland. The site is in the CFU-2 (Commercial Forest Use) district and is identified as an area within the Significant Environmental Concern for Streams, Wildlife Habitat, and View (SEC-s, -h, -v).

As established in the decision document for CS 3-98, the activities proposed by the applicant for the subject parcel qualify as exemptions to the SEC permit under Section .6406, Exceptions under the Significant Environmental Concern (SEC). The proposed activities qualify for the exemption under Section .6406 (D) regarding placement of a sign by a public agency and Section .6406 (E) regarding activities to protect public recreation areas. See the decision document for CS 3-98 for review of the criteria. Exhibit #3 (2 pages) illustrates the proposed sign to be placed along the trail by the City of Portland Parks and Recreation Department.

The subject parcel is identified on the Multnomah County Slope Hazard Map (page 7). Under Section .6710 a Hillside Development Permit (HDP) is required unless specifically exempted under Section .6715. In the decision for CS 3-98, the applicant has addressed the criteria of Section .6715 Exempt Land Uses and Activities, under the Hillside Development and Erosion Control provisions, and requested an exemption to the HDP. After review the applicant's submitted materials, the Staff and the Hearings Officer agreed the application met the exemption requirements.

Erosion control measures are to be implemented. The applicant has described that silt bio-bags will be placed on each side of the cut and fill area of the trail. The site plan, attached as Exhibit #1, illustrates the type and location of the erosion control measures that will be implemented.

The proposed activities are subject to Design Review approval. The Hearings Officer established that the applicant submit for Design Review under Condition of Approval #3 in the decision document for CS 3-98. In accordance with Section .7815 of the Code, "No other 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." The proposed activities do not qualify for the exceptions listed in Section .7817. In addition, Section .7820 states, "The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district..."

The applicant addressed the applicable Multnomah County Code provisions and the applicable Comprehensive Plan Policies 11, 13, 14, 16A, 22, 31, 37, 38, and 40 in the decision document for CS 3-98. Staff refers to this document for purposes of expedient review and redundancy of process.

The application, DR 1-99 was deemed complete on March 24, 1998. Exhibits are included in this decision document and they are listed below.

Please see the applicant and Staff comments.

List of Exhibits:

1. Applicant Site Plan.
2. Drainage Span Drawing.
3. Sign Elevations and Materials (2 pages).

Applicable Multnomah County Code Provisions and Comprehensive Plan Policies:

Multnomah County Code

Commercial Forest Use (CFU-2)

11.WH.2042 Purposes

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.

[Amended 1992, Ord. 743 § 2 and Amended 1996, Ord. 859 § II]

11.WH.2044 Area Affected

MCC .2042 through .2075 shall apply to those lands designated CFU-2 on the Multnomah County Zoning Map.

Applicant: The subject parcel lies within the Commercial Forest Use (CFU) zone district with habitat, stream, and scenic overlays.

Staff: Multnomah County maps illustrate the subject parcel is zoned Commercial Forest Use (CFU-2) and designated as an area of Significant Environmental Concern for Streams, Wildlife Habitat, and View (SEC-s, -h, -v).

11.WH.2046 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 .2048 through .2056.

Staff: The application for the CS for the use of the site as a park and for the extension of the Wildwood Trail was approved by the Hearings Officer Decision issued January 22, 1999. The subject parcel is within Multnomah County's jurisdiction.

11.WH.2050 Conditional Uses

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

* * *

(D) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .7072.

* * *

(9) Park, including a public or private wildlife and fisheries resources conservation area

with accessory structures for educational or instructional use.

Applicant: The proposed trail would be for recreational use within Forest Park. The use was approved under CSUP 3-98 on January 22, 1999.

Staff: The applicant requested and received approval for the CS application for the use of the site as a park and to extend the Wildwood Trail. The proposed extension of the trail is approximately 1,350 feet long and 30 inches wide on the subject parcel. The site plan attached as Exhibit #1 illustrates the location of the proposed trail extension. The application meets the criterion.

11.WH.2053 Use Compatibility Standards

Specified uses of MCC .2050(D), (E), and (F), and MCC .2054(C), and .2056 may be allowed upon a finding that:

(A) The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;**

Staff: Forest Park is not used as a commercial forest or for agricultural purposes. The applicant's proposed extension of the existing Wildwood Trail is not a significant change in the use of the land. The CS approval is required for the use of the site as a park within Multnomah County and the approval was granted January 22, 1999 by the Hearings Officer decision. This application, DR 1-99, is the required detailed plans to implement the CS 3-98 proposal. The application meets the criterion.

- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and**

Staff: The proposed extension of the Wildwood Trail will not increase fire hazards, increase fire suppression costs, or increase risks to fire suppression personnel. The applicant provided a completed Fire Service Provider form during the review of CS 3-98. The Portland Fire District official wrote, "Because of the use of the site, availability of water to the site is not an issue." The application meets the criterion.

- (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.**

Staff: Condition of Approval #2 from the Hearings Officer Decision issued January 22, 1999 for CS 3-98 and Condition of Approval #1 of this decision, DR 1-99, establishes that the applicant or property owner file the above required statement with the Division of Records.

11.WH.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982;

Staff: The applicant stated in the CS 3-98 application materials that one sign, identifying the trail as Wildwood Trail, will be placed along the trail. The sign will not be visible from NW Newberry Road. The site plan, attached as Exhibit #1, illustrates the location of the sign. The elevations of the sign are illustrated in Exhibit #3. The proposed sign is exempt from the sign ordinance requirements under Section .7912 (A) that states, "Signs not oriented or intended to be legible from a right-of-way, private road or other private property" are exempt. Under the For Your Information provisions, Staff states that no land use or building permit is required for the proposed sign, as long as the sign is constructed as shown within the application materials and approved by CS 3-98 and this decision, DR 1-99.

(B) Off-street parking and loading as required by MCC .6100 through .6148;

Staff: The applicant met with John Dorst on May 18, 1998 at the proposed trail extension site. Dorst stated; "The result of the meeting was that adequate site distance could not be achieved in any of the areas the applicant proposed to use. Because of the inadequate site distance it was decided no parking facility would be proposed and that no signing other than what is customary in other areas of the trail without parking would be allowed. Further, it was agreed that this area would not be designated a trailhead and would not appear on maps or other public documents as such." In conclusion, the applicant will not establish a designated parking area along NW Newberry nor will the applicant designate the site as a trailhead. This being the case, the Off-Street Parking and Loading requirements of Section .6100 – 6148 are not applicable.

* * *

11.WH.2058 Dimensional Requirements

(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

Staff: The subject parcel currently exists as 47.65 acres in size. The parcel is considered a Lot of Record under Section .2062 (A)(2). The applicant submitted a copy of the deed for the subject parcel on November 20, 1998 under case CS 3-98.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

Staff: Assessment and Taxation records at Multnomah County list the subject parcel at 47.65 acres. The applicant has not provided a parcel size calculation that includes a portion of the adjacent street, NW Newberry Road, should the street be vacated.

(C) Minimum Yard Dimensions - Feet:

| Frontage on County Main- tained Road | <u>Other</u> | <u>Side</u> | <u>Rear</u> |
|---|---------------------|--------------------|--------------------|
| 60 from centerline | 130 | 130 | 130 |

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.WH.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.WH.2074 (A)(5)(c)(ii).

Staff: No structures except the trail sign and the drainage span are proposed. Elevation drawings of the sign are attached as Exhibits #2 and #3. The sign is not visible from NW Newberry Road.

* * *

(F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Staff: The applicant does not propose to build structures on the site except the trail sign and the drainage span. The drainage span is illustrated in Exhibit #2 and the sign is illustrated in Exhibit #3.

* * *

11.WH.2062 Lot of Record

(A) For the purposes of this district, a Lot of Record is

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;**
- (b) Which satisfied all applicable laws when the parcel was created;**
- (c) Does not meet the minimum lot size requirements of MCC .2058; and**
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or**

[Amended and Renumbered 1990, Ord. 643 § 2]

Staff: As stated under Section .2058 (A), the subject parcel is a Lot of Record under the provisions of Section .2062 (A)(2). The applicant submitted a copy of the deed for the subject parcel on November 20, 1998.

* * *

(C) A Lot of Record which has less than the 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 subject parcel meets the front lot line minimum distance required by Section .2058 (C). Forest practices setback requirements are not applicable to this proposed development. The application meets the criteria.

[Amended and Renumbered 1990, Ord. 643 § 2]

11.WH.2066 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .61 00 through .6148.

Staff: As stated in the Staff response for Section .2054 (B), the applicant does not propose to establish a designated parking area or trailhead along NW Newberry Road. The applicant/ Staff meeting with John Dorst established that not enough sight distance “could be achieved in any of the areas the applicant proposed to use.” The provisions of Section .6100 - .6148 are not applicable.

11.WH.2074 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

Staff: The applicant does not propose to construct any structures except the drainage span shown in Exhibit #2 and the small sign shown an Exhibit #3. The drainage span will be approximately 16 to 20 feet in length and 6 feet wide. No buildings or dwellings are proposed with this application; therefore this criteria is not applicable.

* * *

Significant Environmental Concern (SEC)

11.15.6400 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.

[Amended 1990, Ord. 643 § 2]

Applicant: The subject site is in an area of Significant Environmental Concern.

Staff: The subject parcel is part of the area designated as a Significant Environmental Concern for Streams, Wildlife Habitat, and View (SEC –s, -h, -v). The applicant requested an Exception to the SEC requirements. Please see the applicant and Staff comments below.

11.15.6406 Exceptions

A SEC permit shall not be required for the following:

* * *

[Amended 1990, Ord. 643 § 2]

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

Applicant: The proposed project would enhance public recreational use by extending the existing Wildwood Trail in Forest Park to Newberry Road. Therefore the project does not require SEC review.

Staff: The applicant proposes to place a small sign along the trail to identify the trail. Exhibit #3 illustrates the size and shape of the proposed sign. The application meets the criteria.

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

Applicant: The proposed project would enhance public recreational use by extending the existing Wildwood Trail in Forest Park to Newberry Road. Therefore the project does not require SEC review.

Staff: The applicant proposes to extend the existing Wildwood Trail through the subject parcel for a distance of approximately 1,350 feet and a width of 30 inches. The site plan attached as Exhibit #1 illustrates the location of the trail on the subject parcel. The bulk of the proposed extension of the Wildwood Trail, located in Forest Park, is occurring on parcels located within the City of Portland's jurisdiction. The applicant has already received approval (case file LUR 87-00769) for work within the City of Portland. The proposed activity, to extend the existing trail, is an enhancement to a public recreation area. The application meets the criteria.

* * *

[Renumbered 1994, Ord. 801 § 3]

Hillside Development Permit (HDP)

11.15.6700 Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

(A) Protect human life;

(B) Protect property and structures;

(C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;

(D) Control erosion, production and transport of sediment; and

- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands within the Tualatin River and Balch Creek Drainage Basins.

[Added 1991, Ord. 677 § 2; Amended 1991, Ord. 691 § 2]

11.15.6710 Permits Required

- (A) **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 .6715.

Staff: The subject parcel is identified on the Slope Hazard Map of Multnomah County (page 7).

* * *

11.15.6715 Exempt Land Uses and Activities

The following are exempt from the provisions of this Chapter:

- (A) Development activities approved prior to February 20, 1990; except that within such a development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.
- (B) **General Exemptions – Outside the Tualatin River and Balch Creek Drainage Basins,** all land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if :

Staff: The subject parcel is not within the Tualatin or Balch Creek Basins. The attached site plan illustrates the location and type of proposed erosion control measures to be installed and used by the applicant. The applicant's proposed activity, to extend the Wildwood Trail for a distance of 1,350 feet with a trail width of 30 inches, meets the requirements for an Exempt Land Use or Activity under Section .6715. The applicant addressed these provisions in the application for Community Service approval, CS 3-98. Staff comments to the applicant narrative are in the decision document for CS 3-98; see the Staff Report issued December 9, 1998 and the Hearings Officer Decision issued January 22, 1999. The applicant, therefore, is not required to submit a Hillside Development Permit (HDP). The applicant information provided here is also be used in response to the applicable Comprehensive Plan Policy #14, Developmental Limitations. The applicant addressed the Comprehensive Plan Policies in the CS 3-98 decision document and in an effort for efficiency, Staff refers to the prior approved decision.

* * *

Community Service (CS)

11.15.7005 Purpose

MCC .7005 through .7041 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 in any district, but not suitable for listing within the other sections of this Chapter. [Amended 1983, Ord. 330 § 2]

11.15.7010 General Provisions

(A) Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.

(F) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.

Staff: The applicant received approval for a Community Service application, CS 3-98; the Hearings Officer Decision on January 22, 1999 granted approval. A public hearing was held in accordance with the Multnomah County Code provisions. This application, DR 1-99, has been submitted by the applicant/ property owner/ applicant representative to meet the required Condition of Approval from the Hearings Officer Decision. Condition of Approval states, "The applicant or property owner shall apply for Design Review according to the Design Review provisions of MCC 11.15.7805 through 11.15.7870 before any construction begins."

* * *

Design Review

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.

Applicant: The proposed trail would be compatible with the recreational purpose of Forest Park.

Staff: The applicant proposes to extend the existing Wildwood Trail for another 1,350 feet at a width of 30 inches on the subject parcel. The proposed development is compatible with natural and man-made environments of the area. The application meets the criterion.

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.

Applicant: Please refer to the Wildwood Trail Extension Exhibit Map and Appendices for the required elements.

Staff: The applicant site plan is attached as Exhibit #1 and is a reduced copy. The plan illustrates the location of the trail on the subject parcel and clearly shows the circulation pattern. The average slope of the trail as stated earlier in the applicant narrative is 9% grade. The applicant's site plan illustrates the

average slope of the trail at several locations on the trail. The Wildwood Trail construction will include the installation of erosion control measures such as the silt fence and bio-bags shown on the site plan. The trail will not have a designated parking area. In the Hearings Officer's Decision for CS 3-98, under the findings and conclusions to the criterion of Section .2054 (B), the Hearings Officer describes that area adjacent to the road will accommodate the parking and maneuvering of six cars. The applicant estimates that no more than two to three cars may park there at any given time. The site plan includes a "Trail Section (Typ)" diagram that shows the existing and proposed grade of the area of the trail. As for structures and signs, the applicant proposes to cross the drainage area with a bridge and Exhibit #2 illustrates the proposed bridge. The applicant also proposes a small trail sign as illustrated in the attached Exhibit #3. No outdoor storage areas are proposed. The application meets the criterion.

11.15.7815 Design Review Plan Approval Required

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.

Applicant: The applicant is applying for a Design Review permit in order to commence creation of the proposed trail.

Staff: The Design Review application has been submitted by the applicant in compliance with the Code provisions of Sections .7010, .7125, and .7820 and with the Hearings Officer's Decision Condition of Approval #2. The application does not meet the Exceptions listed in Section .7817.

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:

Applicant: The proposed development is a community service use that is a conditional use in the CFU zone, therefore the provisions apply. Please see below for responses to the subsections.

Staff: As noted above in the Staff response to criterion in Section .7815, the Design Review application is required for the proposed development under Sections .7010, .7125, and .7820. Also, the Hearings Officer's Decision for CS 3-98 required the DR application pursuant to the aforementioned Code provisions.

11.15.7830 Design Review Plan Contents and Procedure

- (A) Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.**

Staff: The appropriate documentation has been provided by the applicant. The application meets the criterion.

- (B) Prior to filing a design review plan, the applicant shall confer with the Planning Director concerning the requisites of formal application.**

Staff: The applicant spoke with the Staff Planner, Tricia R. Sears, about the Design Review application requirements. The application meets the requirements.

- (C) Following the pre-application meeting, the applicant shall file with the Planning Director a**

preliminary design review plan, which shall contain the items listed in subsection (D) through (G) below:

(D) Contents:

(1) Preliminary Site Development Plan;

Applicant: The Vicinity Map on the Design Review Plans Cover Sheet shows the location of the site and its relationship to adjacent lands.

Staff: The applicant site plan shows the access to the site from NW Newberry Road. The site vicinity map shows the relationship of the site to the adjacent properties. The application meets the criterion.

(2) Preliminary Site Analysis Diagram;

Applicant: There are many trees of regulated size in the site vicinity. Primary species include Douglas fir and Big leaf maple. No trees would be disturbed or removed. Individual trees are not shown on the Exhibit Map since they sporadically cover most of the area shown.

Staff: The application meets the criterion.

(3) Preliminary Architectural Drawings, indicating floor plans and elevations;

(4) Preliminary Landscape Plan;

Applicant: The topography and natural drainage are shown on the Exhibit Map.

Staff: The site plan submitted by the applicant and attached to this decision as Exhibit #1 illustrates the topography of the subject parcel. The applicant has submitted plans showing the elevation of the signs and the drainage span structure/ bridge for the site. Please see Exhibits #2 and #3.

(5) Proposed minor exceptions from yard, parking, and sign requirements; and

Applicant: The subject site is in an area of Significant Environmental Concern for stream, habitat, and view. However, the proposed project meets the SEC permit exemption requirements, therefore a review is not required. The subject site is not located in a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. While Forest Park as a whole provides habitat for wildlife, there is no specifically identified significant wildlife habitat on the site.

Staff: The subject parcel is identified as an area of Significant Environmental Concern for Wildlife Habitat, Streams, and View (SEC -h, -s, -v). Thus, by definition, the entire site has been identified as an area of significant wildlife habitat. The applicant's proposed use of the subject parcel meets the exceptions listed in Section .6406 under subsection (D) and (E) as noted earlier in this decision document and as established in the decision document for CS 3-98. This criterion is in regards to parking, sign, and yard requirement exception requests and the applicant has not requested any exceptions to these requirements. The application meets the criterion.

(6) Design Review Application Fee, as required under MCC .9025;

Applicant: Climatic conditions and natural features are indicated on the Exhibit Map.

Staff: The applicant has submitted the required Design Review application; this is the decision document for that case, DR 1-99.

Summary:

Applicant: The required plan that shows the proposed trail, site analysis elements, and a section is attached. The only structure proposed is a drainage span of 2-ft. x 6-ft. boards supported by three beams on concrete piers, as shown in Appendix D. This type of span is utilized throughout other areas of the park and on the 26-mile Wildwood Trail. This structure would be located from 1,000 feet from Newberry Road and would span an intermittent drainage way. No landscaping is proposed. No exceptions from yard, parking, or sign requirements are necessary.

Staff: The applicant has submitted site plans, narrative, and elevations of the signs and bridge (drainage span) over the drainage area with this Design Review, DR 1-99, application as required. No exceptions from yard, parking, and sign requirements have been requested. Landscaping requirements are not applicable to this proposal. The application meets the criterion.

(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;

Applicant: The Exhibit Map shows access from adjacent Newberry Road and the connection point to the trail portion within the City of Portland. The parking area in the Newberry Road shoulder and the sign location area also indicated. No structures, landscaping, or lighting are proposed.

Staff: Access to the site is shown on the submitted site plan attached as Exhibit #1. The application meets the criterion.

(2) Parking and circulation areas;

Staff: Staff and the applicant addressed parking and circulation issues in Sections .2054 (B) and .7810. The application meets the criterion.

(3) Location and design of buildings and signs;

Staff: No buildings are proposed for the subject parcel. The applicant proposes to establish a trail sign as shown by elevation drawings attached in Exhibit #3. The applicant's proposed drainage span/ bridge is illustrated in Exhibit #2. The site plan shows the proposed location of the sign and the drainage span/ bridge. The application meets the criterion.

* * *

(6) Private and shared outdoor recreation spaces;

Staff: The subject parcel is, basically, a shared outdoor recreation space. The applicant's Community Service approval, granted in the Hearings Officer's Decision on January 22, 1999 for CS 3-98, was to continue the Wildwood Trail through Multnomah County for 1,350 feet and for the use of the site as a park. The application meets the criterion.

(7) Pedestrian circulation;

Staff: The proposed development is for an extension of the Wildwood Trail through Forest Park. It is a means of pedestrian circulation through Forest Park. The application meets the criterion.

(8) Outdoor play areas;

Staff: See subsection (6).

(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;

Staff: Subsections (9), (10), and (11) are not applicable to this development.

(12) Special provisions for handicapped persons; and

Staff: The applicant has addressed this criterion specifically in Section .7850 (A)(3). ADA compliance is reviewed through the building permit process.

(13) Other site elements and spaces which will assist in the evaluation of site development.

(G) The preliminary landscape plan shall indicate:

(1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and

(2) Proposed site contouring.

Applicant: The trail section on the Exhibit Map indicates plant material that would be used for stabilization and the proposed grading.

Staff: The applicant has stated that Douglas fir and Big leaf maple are two of the primary plant species in the area. The applicant intends to retain as much plant material as possible along the trail corridor. The applicant site plan shows the applicant statement, "Disturbed area to be reseeded or planted with native plant material for stabilization. The site plan also shows the existing and proposed grade of the site. The application meets the criterion.

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;

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

(C) Proposed minor exceptions from yard, parking, and sign requirements.

11.15.7845 Decision on Final Design Review Plan

(A) The Planning Director may approve a final design review plan, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in MCC .7850, .7855, and .7860.

- (B) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC .7815 through .7825, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.
- (C) Within ten business days following receipt of the final design review plan, the Planning Director shall file a decision with the Director of the Department of Environmental Services and mail a copy of the decision to the applicant and other persons who request the same.
- (D) A decision on a final design review plan shall include written conditions, if any, and findings and conclusions. The findings shall specifically address the relationships between the plan and the criteria and standards listed in MCC .7850 and .7860.

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.**

Applicant: The proposed trail is for pedestrians only and is proposed to be only 30" wide. The proposed trail would be within Forest Park and have no impact on the tree cover, therefore it would relate to the surrounding environment.

Staff: The applicant has provided narrative response to the Design Review Criteria, including the Plan Elements. Please see below.

- (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.**

Applicant: The proposed trail would extend the existing Wildwood Trail to Newberry Road. No sign would be visible from Newberry Road and therefore the trail would fit well with the setting. There are no structures within close proximity or view of the proposed trail.

Staff: The structures proposed by the applicant are the trail sign (elevations attached as Exhibit #3) and the drainage span/ bridge (Exhibit #2). These structures are not to be visible from Newberry Road. The color and materials of the proposed structures will be compatible with the forest 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: Hand tools would be used for trail construction, therefore there would be minimal energy impact. The trail would be intended for sporadic public use, therefore no shelter structures would be provided. There are no noise or air pollution generators in the area, since the subject site is surrounded by Forest Park.

Staff: As the applicant states, hand tools will be used for trail construction. The proposed trail is not an energy consuming development in the sense typically associated with a requirement for energy conservation. Little opportunity for pollution to occur exists with this proposal. The applicant will install erosion control measures as shown on the site plan. 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.**

Applicant: The only proposed element is the trail, which would be graded to provide an even walking surface, but otherwise would leave the existing area undisturbed.

Staff: The applicant proposes to extend the existing Wildwood Trail by 1,350 feet. The trail is indeed proposed on a human scale. The spatial variety and order of the trail is appropriate for the purpose. 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 proposed trail would provide an even, safe walking surface through the park to Newberry Road. The park and the road are public spaces; there are no private spaces existing or proposed in the area.

Staff: The trail is a public recreational site as described by the applicant narrative. The applicant's proposal 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: The portion of Forest Park containing the subject site is steeply sloped and not suitable for use by handicapped persons, therefore ramps and braille signs would not be provided. There are areas of the park that are designed for handicapped use. The lower Macleay area of the park, where handicapped access is partially completed, provides a comparable experience to this section of the Wildwood Trail. Handicapped access also is provided at and around the arboretum.

Staff: The applicant has described that there are other and more appropriate locations in Forest Park that are available for handicapped use. 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 only proposed element is the trail, which would be graded to provide an even walking surface, but otherwise would leave the existing area and topography undisturbed. No trees or shrubs would be removed or disturbed. Trees and shrubs will be avoided during the construction of the trail.

Staff: The attached reduced copy of the applicant site plan shows a typical trail section with the existing and proposed grade. Also, the site plan shows the contour lines and thus illustrates the slope of the site. The applicant will preserve all trees along the trail route. 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: Access would be provided from the Wildwood Trail extension within the City of Portland portion of the park and from Newberry Road.

Staff: The applicant states that access to the new portion of the trail is from Newberry Road and from the existing Wildwood Trail in the City of Portland's jurisdiction. The drainage span and the sign are the two structures proposed by the applicant. The design of the two structures is harmonious to the setting. The structures will be built to meet safety requirements. The application meets the criterion.

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

Applicant: The proposed improvements would add no impervious surface. The trail would consist of compacted earth, with no surface treatment. Drainage would follow the natural topography of the site, and not affect neighboring properties, streets, or the existing spring on the property.

Staff: As described by the applicant above, 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: No such areas, structures or facilities are proposed.

Staff: This criterion is not applicable to the proposed development.

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

Applicant: No utility installations are proposed.

Staff: The criterion is not applicable to the proposed development.

(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: One sign at the junction with Newberry Road is proposed. The sign would not be visible from Newberry Road, or any private road or property. It would be visible only to trail users. It would be made of wood, with no lighting (see Sign Elevation Drawing in Appendix E).

Staff: The applicant has submitted elevation drawings for the proposed sign; Exhibit #3 illustrates the sign (2 pages). The sign is compatible with surrounding area of the subject parcel and adjacent properties. The application meets the criterion.

* * *

11.15.7855 Required Minimum Standards

* * *

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

- (1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**
- (2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

Applicant: The subject site and vicinity is a park covered with trees and vegetation. No trees or shrubs would be removed or disturbed, and the cut and fill areas on both sides of the trail would be reseeded or replanted. Therefore, no landscaping is required.

Staff: The subject site is a park, Forest Park. The natural environment in place and Staff notes that no trees or shrubs (as described by the applicant) will be removed to accommodate the construction of the trail. The applicant will reseed and replant the trail area with native vegetation. No other landscaping requirements are established for the site.

- (3) The following landscape requirements shall apply to parking and loading areas:**

- (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.**
- (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:**
 - (i) Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
 - (ii) low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
 - (iii) vegetative ground cover.**
- (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.**

- (c) A parking landscape area shall have a width of not less than 5 feet.**

Applicant: No parking or loading areas are proposed, therefore this subsection does not apply.

Staff: Not applicable.

- (4) Provision shall be made for watering planting areas where such care is required.**

Applicant: The only planting would occur in disturbed areas on both sides of the trail. Native plant material that does not require watering would be used.

Staff: Replanting native plants will alleviate the concern for watering any planting areas. The application meets the criterion.

- (5) Required landscaping shall be continuously maintained.**

Applicant: Plant material on the subject site will be sustained as part of Forest Park's maintenance plan.

Staff: The applicant will replant any removed vegetation with native plants. The applicant stated earlier in the narrative that no trees or shrubs would be removed to accommodate the construction of the extension of the Wildwood Trail. The applicant proposes to build the trail by hand and thus damage to the environment will be minimal. The application meets the criterion.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

Applicant: There are no existing or proposed overhead utility lines on the subject site, therefore this subsection does not apply.

Staff: This criterion is not applicable to this proposed development.

(7) *Landscaped* means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

Applicant: The only planting would occur in disturbed areas (approximately five to six feet wide total) on both sides of the trail.

Staff: The application meets the criterion.

* * *

COMPREHENSIVE PLAN POLICIES

Staff: The applicant addressed the applicable Comprehensive Plan Policies 11, 13, 14, 22, 37, 38, and 40 under the application for the Community Service, CS 3-98. Staff refers to the decision document issued as the December 9, 1998 Staff Report and the January 22, 1999 Hearings Officer for review of the Policies.

CONCLUSION:

Applicant:

This application for Design Review has addressed and met all zoning code requirements. It has been the applicant's intent to serve the region by providing an extension of the existing Wildwood Trail in Forest Park. The applicant respectfully requests that the Design Review Permit be approved.

Staff:

Considering the findings and other information provided herein, this application, **DR 1-99**, is approved for implementation of plans approved in the Community Service, CS 3-98 case. The use of the site as a park and the construction of the extension of Wildwood Trail (approximately 1,350 linear feet) on Commercial Forest Use (CFU-2) zoned property was approved under CS 3-98. This application, DR 1-99, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements. The application also complies with state land use laws and regulations as Multnomah County's regulations have been acknowledged by LCDC as complying with the Statewide Planning Goals and implementing regulations.

CONDITIONS OF APPROVAL:

1. The applicant shall file and record a statement with the Multnomah County Division of Records (503-248-3034) "that the owner and the successors in interest acknowledge the rights of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices" in accordance with MCC 11.WH.2053 (B). This is the same Condition of Approval (#2) as established in the Hearings Officer Decision issued 1/22/99 for CS 3-98.
2. The applicant shall install the erosion control measures prior to construction of the trail and those measures shall remain in place until the completion of trail work. In addition, replanting of vegetation, as proposed by the applicant within this document, shall be accomplished within one month of completion of the trail work.
3. Should the City of Portland Building Department require building permit review of the proposed drainage span, the applicant shall provide five (5) copies of the site plan and elevations to Multnomah County Land Use Planning. The County will review the materials and retain one (1) copy for the County building permit records and return four (4) copies to the applicant to submit to the City of Portland for building permit review. Please contact the Staff Planner, Tricia R. Sears at (503)-248-3043, **for an appointment** for building permit review and sign-off.
4. No additional land use and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said applications have been paid in full.
5. This approval is based on the submitted material. The subject parcel is part of Forest Park. The proposed activities of extending the Wildwood Trail for approximately 1,350 lineal feet shall occur on the site in accordance with the design, size, and location as shown and described in these application materials, DR 1-99 and submitted by the applicant in case file CS 3-98. Additional submittals and actions may be required of the applicant as noted in these Conditions of Approval.

FOR YOUR INFORMATION:

6. The Hillside Development Permit (HDP) Code provisions include the grading and erosion control provisions. The applicant's proposal qualified for an exemption from the HDP under the provisions in Section .6715, Exempt Land Uses and Activities, subsection (B).
7. The applicant's proposed activities qualify for exemptions in the Significant Environmental Concern (SEC) Code provisions in Section .6406, Exceptions, subsections (D) and (E).
8. The applicant is not required to obtain a land use or building permits for the proposed sign, illustrated in Exhibit #3, as long as the sign is constructed as shown within the application materials and approved by CS 3-98 and by this decision document, DR 1-99. The applicant may be required to obtain building permits for the drainage span.

NOTICE:

This decision was mailed March 29, 1999 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 8, 1999.

DR 1-99

Decision: March 29, 1999

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Staff Planner: Tricia R. Sears

Phone: (503) 248-3043

IN THE MATTER OF DR 1-99:

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

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.