



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVE.,
PORTLAND, OREGON 97233
(503) 248-3043 FAX: (503) 248-3389

DECISION OF THE PLANNING DIRECTOR

Design Review

Case File No. DR 4-99

August 4, 1999

Proposal: Improvements to the Oxbow Park water supply pump house and installation of two vault toilets in the campground area.

Location: Oxbow Park is located at:
3010 SE Oxbow Parkway
TL 2 of Section 15, T1S, R4E, Tax Account #R99415-0020
TL 7 of Section 11, T1S, R4E, Tax Account #R94411-0070

Applicant/Owner: METRO
Berit Stevenson
600 NE Grand Ave.
Portland, OR 97232
United States of America
Bureau of Land Management
Bob Radcliffe
1717 Fabry Rd NE
Salem, OR 97036

Site Size: TL 2, 160 acres; TL 7, 120 acres

Zoning: CFU, Commercial Forest Use
SEC, Significant Environmental Concern

Approval Criteria: Multnomah County Code (MCC): 11.15.3550, Columbia River Gorge National Scenic Area General Provisions; MCC 11.15.3634 GGF-40; MCC 11.15.3814 through .3832 Site Review.

Decision: **Approve the request to install the two vault toilets and to construct the pump house addition and backwash pond, based on the findings and conclusions, and subject to the Conditions of Approval of this report.**

I. CONDITIONS OF APPROVAL

1. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site plan, and findings contained in the Staff Report. The applicant shall be responsible for implementing the development plan as presented and approved.
2. This approval will become void 18 months from the date this decision becomes final. The decision will become final on August 16, 1999 unless an appeal is filed.

Note: No additional land use action and/or permit requests relating to this application shall be accepted until such time as all required fees for processing this decision have been paid in full.

The Planning Director's policy is for the case planner to provide zoning approval of the final Building Plans on an appointment basis. Please contact Chuck Beasley at 248-3043 to set a time for Building Permit sign-off.

STAFF REPORT FORMAT

This staff report addresses one requested action, approval of a Design Review permit, and includes findings of compliance with the Development and Fire Siting Standards for Structures in forest zones. The Applicant's response to an approval criteria is indicated by the notation "Applicant." Planning staff comments and analysis follow the applicant's responses to the criteria. Additional planning staff comments are added where supplemental information is needed or where staff may not concur with the applicant's statements. If no staff remarks are indicated, staff concurs with the applicant. Findings are included by staff as necessary to address ordinance requirements.

FINDINGS:

II. BACKGROUND AND DESCRIPTION OF PROPOSAL

Applicant:

Metro has completed an extensive planning process for Oxbow Regional Park and is now ready to implement the Master Plan dated October 1997. This implementation will be phased. Apart from some improvements to existing utilities which are underway, the subject of this design review application is the initial phase and includes upgrades to the existing water system to treat for iron/manganese and the installation of two vault toilets in the existing campground area. These two improvements are described more fully below.

Water Treatment Upgrades

The existing water treatment system was constructed in 1964. Several of the pumps have outlived their usefulness and are in need of replacement. Additionally, during the planning process, problems with the existing system due to excessive amounts of iron and manganese were considered. User surveys indicated dissatisfaction with the color of the water. There is also a problem with staining of restroom fixtures. After considering three alternatives, the master plan recommended the continued use of the existing well for the park's water source with the addition of treatment for iron/manganese.

This alternative includes 1) the replacement of existing pumps and equipment, 2) a 264 square foot addition to the existing pump house and 3) the installation of an adjacent backwash treatment pond and other minor site improvements. The building addition is needed to house the additional equipment required for the iron/manganese treatment. It will be constructed with CMU block and flat metal roof to match the existing 406 square foot structure. The southeast elevation of the addition will feature an overhead door to accommodate the bulky treatment equipment and pumps. See attached elevations.

An existing small parking area (approximately 1700 sq. ft.) located immediately in front of the building will be improved by adding additional crushed rock. An existing tree sited in this parking area will be protected during the course of construction.

The backwash pond is approximately 900 sq. ft. in size and is located just west of the existing pump house. It slopes with a 2 percent grade in all directions and is not deeper than 2 feet in the center. Three trees will be removed to accommodate the pond whose location was fixed due to the location of the existing pump house. All areas disturbed during the installation of the pond will be hydroseeded.

The general location of the pump house is indicated on the site plan. It is not generally accessible or visible to the public. It is located between the main Park Road and the Sandy River off of a maintenance road. It is approximately 450 feet from the river and approximately 125 feet from the road. There is a bluff that rises to the south of the existing pump house. This bluff is approximately 400 feet from the project site.

Vault Toilets

The second element of the proposed project is the placement of two vault toilets within the existing campground area. The toilets will be pre-manufactured units supplied by CXT, and used extensively by the State of Oregon Parks Department. A product information sheet is attached hereto. The concrete units meet ADA requirements and are extremely durable - designed to Zone-4 seismic standards, 120 mph wind load and 250 pounds per square foot snow load. The visual design is non-obtrusive and intended to blend subtly within the forested setting.

Siting of the 170 sq. ft. units was determined to avoid conflict with trees and other vegetation and at the same time with the user in mind. The site is heavily forested and therefore requires no additional landscaping for screening or buffering for aesthetic purposes. The vault toilets

will replace four existing pit toilets that will be removed when the vault toilets are installed and fully operational. Vault toilet No. 1 will serve the existing campground primarily while vault toilet no. 2 will primarily serve a trail head which is located adjacent to the campground area.

Staff: Oxbow Park was established by Multnomah County as a major regional park through purchases of land during the 1960's. As parcels were acquired by the County, they were approved for Community Service use in the F2 zoning district by the Planning Commission in a series of decisions at that time. The block of land which is managed as the park is approximately 1,000 acres in size, and includes parcels on both sides of the river that are in several ownerships. The current owners listed in the Tax Assessor's data base include Multnomah County, the United States of America (BLM), and the State of Oregon.

SITE AND VICINITY CHARACTERISTICS

Staff: The subject property (Oxbow Park) is located along the south shore of the Sandy River at the end of Hosner Rd./Oxbow Parkway. The entrance and structures supporting maintenance and park staff are located at the west end of the park. The pump house is located north of the road that traverses the park from west to east, at a point about midway along it. The vault toilets are proposed for the east end of the park in the campground area adjacent to the road on the south side.

III. APPLICABLE CRITERIA

1. MCC 11.15.7820 Applicability of Regulations for the Design Review process, together with .7815 Plan Approval Required, provide that completion of Design Review is necessary to alter or enlarge a use listed in any manufacturing district.
2. MCC 11.15.6100 Off-Street Parking and Loading applies to alterations to existing uses which intensify use by persons.
3. MCC 11.15.2074 Development Standards for Dwellings and Structures in forest zones.

IV. ANALYSIS

A. CS Uses in the CFU Zone

Staff: The findings in this section are intended to address the requirements for approval of the proposed development given the circumstances of the use, Oxbow Park. The areas of the code addressed are the use provisions of the CFU zone, and review of minor changes to a Community Service Use (CS). Staff concludes that the proposed

development is allowed in the CFU zone, and that the Design Review process allows the proposed changes to the Community Service use.

Commercial Forest Use

The CFU district section MCC 11.15.2050 lists a park as a use allowed subject to the approval standards in the Community Service Use code. As stated above under section II “Background,” the park was approved by Planning Commission actions during the 1960’s, and as such is a permitted use. The specific uses which are allowed within a park are not listed in the code, but it is acknowledged that they must be consistent with state requirements under Goal 4. The CFU zoning code also allows accessory uses which are determined by the Planning Director to be “customarily accessory or incidental” to a permitted use (MCC 11.15.2054(D)). The pumphouse and well currently exist as accessory to the park and are customarily provided as part of a water delivery system. The proposed addition does not change the capacity or character of the system, but improves/enhances the water which is already used in the park.

The proposed vault toilets are also customarily accessory to a park as necessary sanitation facilities. They are part of an overall Master Plan objective to upgrade the sanitation system of the park.

Community Service Use

The general provisions of the CS code under MCC 11.15.7010 provide that a CS approval is limited to the specific uses approved, and requires that any change or modification of limitations or conditions (the use), is subject to review. Uses allowed under the CS provisions are subject to Design Review approval as well. The subject parcels are designated “CS” on the 1962 County zoning map, in recognition of the use of the area as part of Oxbow Park. Archive copies of 1960’s era CS approvals state that the area is approved for a “major park”, but do not include a list of allowable uses or any limitations to the use. The proposed structures do not constitute new uses or expansion of existing uses, therefore the requests can be processed as Design Review applications.

B. Design Review Approval Criteria

MCC 11.15.7850(A): Approval of a final design review plan shall be based on the following criteria:

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

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

- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.**
- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

Applicant: Both elements of the project have been designed to relate positively with the environment. The building materials and the scale of the addition to the pump house will generally copy the original building. Except for the three trees that will be removed to accommodate the backwash pond, the natural vegetation will be preserved. The removal of these three trees will not negatively impact the immediate area which is heavily vegetated. The vault toilets also have been designed so that they will meld with the forested surroundings (Except for the pit toilets which will be removed, there are no other buildings in the area.) They are small in scale (170 sq. ft.) and an earth-toned color will be selected for exterior paint. No trees will be removed to make way for the vault toilets.

Both elements are scaled appropriately for their specific purpose and have been efficiently and attractively sited given their purpose. The toilets are extremely durable (4" thick steel reinforced concrete walls) and will withstand adverse weather conditions. The toilets include a "sweet smelling" technology which will minimize problems with odors. All structures will comply with current building code requirements related to energy conservation

- (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: Both the toilets and the water treatment improvements have been sited in environments which are both safe and that affords privacy were appropriate. The water treatment facility, which is located off of a maintenance road, is a non-public facility that will be attended to on a regular basis by park staff. On the other hand, the toilets are primarily public facilities and are located in the already developed campground area.

The park has experienced three landslides in recent years and a review of the park's geology was undertaken as a part of the master planning process. The purpose of this preliminary analysis was to determine if there were any landslide or rock fall hazards which should be addressed either for existing or proposed facilities. The master plan does include a reference to an overhang of rock located above the existing pump house. This overhang is approximately 400 feet from the pump house. A follow-up conversation with the author of the Geotechnical Study indicated that the overhang is not considered a hazard to the pump house due to the distance between the site and the overhang. His purpose with the reference was to recommend against siting trails or other public facilities within close proximity of the overhang which could experience rockfall; he

concluded that no existing facilities, including the pump house, are located near enough to be considered in danger from rockfall from this outcropping. (For confirmation, contact Patrick Kelly, PE -(503)232-2787).

Because the scope of the analysis of the master plan study was preliminary in nature, additional, more detailed geotechnical work is planned for the future. The principal design firm for final design and engineering for the Oxbow work is Otak. Included in their design team is Geotechnical Resources Inc. (GRI). They will be performing geotechnical work related to analysis of existing and potential landslide areas when the project phasing warrants such work. The two improvements associated with this design review application are both located quite a distance from any steep slopes and therefore were not the subject of geotechnical work related to landslide hazard.

During the design phase, the possibility of fencing off the backwash pond was considered for safety purposes. Metro's Risk Management staff was consulted and advised that a fence was not required at this time from a risk management perspective. This opinion was based on the non-public location of the facility and the low risk given the 2 ft. maximum depth and the relatively low frequency of use of the pond for backwash. Upon completion of the improvements, Risk Management staff will monitor the pond and may amend their opinion if these assumptions are found to be incorrect.

(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 water treatment improvements are not public facilities and are exempt from ADA as a mechanical work area. The toilets are public facilities. They are pre-engineered structures and, as indicated by the attached product information, are fully compliant with ADA. The toilets are located adjacent to paved roads and are at grade. During construction, care will be taken that the route to the vault toilets will be fully accessible.

(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 toilets will have a nominal impact on the natural grade and landscaping. The locations of these 12 by 16.5 ft units have been selected specifically so that no trees will need to be removed. The improvements to the on-site water system will have more of an impact; however, this impact has been minimized to the extent possible given both the site and the function of the facilities. The backwash pond will require some regrading of the area; however this regrading is not expected to cause harm or negative impact to the area which is removed from any waterway. The footprint of the pond is approximately 900 sq. ft. The pond, at its deepest point, will only be two feet deep. Three trees will be removed to accommodate the pond. The building addition itself is also rather small in scale (264 sq. ft.). The drawings indicate that special

measures will be taken to protect an existing tree that lies within the parking area adjacent to the pump house. Also, all areas disturbed during construction will be hydroseeded. Best Management Practices will be utilized during construction of both the water system upgrades and the vault toilets so that negative impacts to the natural landscape will be eliminated. The impacts associated with the water treatment improvements are minor in nature and are not unreasonable given the function of treatment of the on-site water supply. These impacts will be non-noticeable to visitors of the park.

(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: The proposed improvements will have little effect on pedestrian and vehicular circulation and parking. There is no parking associated or required for the vault toilets. Access will be provided via the existing trail and vehicular system within the campground area. The small existing parking area serving the pump house will be improved by the addition of crushed rock. The size of the area and use will not be increased or changed. This small parking area will be used by park staff as they undertake their regular maintenance activities related to the Park's water system.

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

Applicant: This criteria is not applicable; there are no surface drainage systems associated with these proposed improvements.

(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 water treatment improvements, which will house machinery and include a small parking area, are located in the non-public area of the park. These improvements, which are located approximately 120 ft. from the main Park Road, are not visible to the public and therefore require no additional screening.

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

Applicant: Of the proposed projects, only the water treatment improvements are above ground utilities and therefore need to address this criteria. As stated above, the

location of the improvements was determined by the existing pump house. The improvements, which are minor in scale, will not negatively impact the site which is a non-public area of the park and is not adjacent to any neighboring (non-park) properties. The water treatment improvements will not generate odors, noise, glare, transportation and parking or other adverse impacts.

(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: Except for minor code required signage (restroom signage in braille), this proposal does not include any signs or graphics.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval, however 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 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.

- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:**
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and**
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025 (A) or .9027 (A).**
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**

Conclusion: Staff concludes that the applicant has demonstrated that the Design Review standards are met with the application as submitted.

C. Commercial Forest Use Standards

MCC 11.15.2054 Accessory Uses

- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

Staff: The proposed addition to the existing pump house and the vault toilets are both structures customarily accessory to a park. They are therefore allowed as accessory uses.

MCC 11.15.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .20619 .2062, and .2064, the minimum lot size shall be 80 acres.

- (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.

- (C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

	Other		
Road Frontage	Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Applicant: The Park consists of over 1000 acres. Both the water system improvements and the vault toilets are located several hundred feet from any lot line of this tract and therefore, meet all setback standards. Both improvements are less than 35 ft. in height. This standard is met.

MCC 11.15.2066 Off-Street Parking and Loading

Applicant: The proposed improvements will not change or add any off-street parking and loading. This standard is met.

MCC 11.15.2074 Development Standards for Dwellings and Structures

11.15.2074 Development Standards for Dwellings and Structures

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

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);**
- (2) Forest operations and accepted farming practices will not be curtailed or impeded;**
- (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;**
- (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

Applicant: The vault toilets have been sited specifically to have the least impact on the surrounding forest. There are no surrounding agricultural lands. The vault toilets meet the setback requirements. The proposed improvements due not adversely impact either forest operations or farming practices; rather, these improvements are beneficial to the surrounding forest which is a regional public recreational asset. The park road is necessary to access the park facilities which are located throughout the park and is not excessive. The road alignment is somewhat fixed by both the steep topography of the site and the Sandy River; however, some realignment has been recommended in the Master Plan to reduce traffic and parking conflicts.

- (5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**
 - (a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;**
 - (b) Maintenance of a primary and a secondary fire safety zone.**
 - (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than**

15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

- (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

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

Applicant: The risk associated with wildfire has been minimized due to the nature of the buildings and the sites. The vault toilets will not be a source of fire and are constructed entirely of non-flammable materials (concrete floor, walls and roof).. They have no chimney. They are located on flat sites that have little or no ground fuels. See attached memo report by Deb Scrivens. The entire park is served with fire hydrants which are located generally along the main Park road. Permanent signs identify the fire hydrants.

An analysis of the requirements for a primary and secondary fire safety zone where undertaken. See attached memo report by Deb Scrivens. Strict compliance with these standards would require the removal of three major trees and a significant amount of understory and brush. Metro proposes that strict compliance of these standards is not appropriate given the following:

- The standards in the CFU zone were primarily intended for the siting of homes in forest land and are not generally appropriate or suitable to the subject proposal – vault toilets in a recreational campground.
- The stated purpose for these fire safety zones is to "minimize risk of wildfire". The risk of wildfire either to these structures or because of these structures is nearly nonexistent given their function and form. Therefore, because these structures pose little or no risk of wildfire, strict compliance with the standards is not necessary to achieve the overall goal.
- Design review includes a contradictory approval criteria which is to preserve the natural landscape. Given this discrepancy and the non-risk posed by these structures, a reasonable approach is to defer to the design review criteria of preservation of natural landscape. And not remove trees and other vegetation to strictly achieve the fire safety zones.

This conclusion is supported by the BLM, the owners of the property on which these structures are located and the Oregon Department of Forestry. In addition, the Park has in place a written procedure for handling forest fires. This procedure, which was established with the help of the Gresham Fire District, the local service provider, includes a fire precaution class system. Gresham Fire annually inspects the Park and confers with Park staff regarding fire risk to review access within the Park.

Evidence of domestic water supply has been included herewith. The structures are not dwellings and therefore private road standards are not applicable.

Staff: The fire break standards of this section are applicable to both dwellings and structures under the code. Staff agrees that strict compliance with the standards is not necessary for the vault toilets. The structures do not pose a risk of being the source of ignition of adjacent forest land because they are non-combustible, contain no combustible materials, and are not occupied. The non-combustible materials also reduce the likelihood that fire suppression efforts during a fire would be diverted to the structures at the expense of adjacent forest land. Staff also agrees that given these aspects of the structures, that the Design Review criteria to preserve the natural landscape should carry more weight than the fire standards.

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**
- (3) *[Deleted 1998, Ord. 916 § II]***

(4) Have a fire retardant roof; and

(5) Have a spark arrester on each chimney.

Staff: The vault toilets are made of non-combustible materials and will be required to meet applicable building codes. They do not have chimneys.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Staff: The water supply is existing, and the vault toilets do not appear to be connected to the water supply.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

Staff: The proposed structures are not dwellings, therefore this standard does not apply.

Conclusion: Based on the findings above, staff concludes that the applicable forest standards are met with the application as submitted.

VI. EXHIBITS

- A1. Submittal dated 5/28/99.
Narrative, site plan, photographs, 5/25/99 memo from Deb Scrivens, well report and water right, vault toilet elevations.
- A2. Aerial photograph with tax lot locations submitted 5/28/99.
- A3. Vault toilet site plan submitted 6/4/99.
- A4. BLM property owner authorization letter submitted 6/4/99.
- A5. Tree survey submitted 7/13/99.
- A6. Water Right letter dated 7/9/99, submitted 7/26/99.

In the matter of DR 4-99

This decision filed with the Director of the Department of Environmental Services on August 4, 1999.

Multnomah County Department of Environmental Services
Land Use Planning Division

By Chuck Beasley, *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 permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. 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 file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division 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. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 1600 SE 190th Ave., Gresham, OR s [hours: 8:30 a.m. – 4:30 p.m.; M—F].

The appeal period ends August 16, 1999, at 4:30 p.m.