



# Metro

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January 3, 2018

Kevin Cook, Senior Planner  
Multnomah County  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233

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RE: Metro's North Tualatin Mountains  
Case #T4-2017-9166 – Comprehensive Plan Text Amendment  
Case #T3-2017-9165 – Use Application  
**COMPLETENESS RESPONSE**

Dear Mr. Cook:

This letter and attached application submissions constitute Metro's response to the County's incompleteness determination dated October 27, 2017. Below is a response to each item identified in the County's letter. Metro also paid the additional fees required to process the applications.

Please consider these applications complete and begin the administrative review process. If additional information is needed to aid review, Metro will promptly provide whatever information or response is needed or helpful.

**Item 1.** Burlington site plan and trail plans

Response: Attached as Exhibits 20 and 22 are the primary site plan of the Burlington site as well as plans for individual trail segments.

**Item 2.** Development time line

Response: With respect to the subject use application, Metro is seeking use approval for all the access improvements and trail extensions at Burlington Creek Forest depicted in Exhibits 20 and 22. Metro will implement the decision and construct improvements in accordance with the County's administrative procedures.

No use approval is sought through the text amendment application. Metro's Access Master Plan contemplates access improvement and trail extensions

within the McCarthy Creek Forest, however, no use approval is sought for those elements at this time.

**Item 3.** Exception to Secondary Fire Safety Zone

Response: Metro requests an exception to the secondary fire safety zone in its use application. With this submission, Metro paid the additional \$227 fee to process the application.

**Item 4.** Kiosk and forest practices/fire safety standards

Response: Exhibit 21a depicts the standard primary and secondary fire break for both the toilet and kiosk.

**Item 5.** Forest practices/fire safety standards greater than 10% slope

Response: Exhibit 21b depicts the primary and secondary fire break for slopes greater than 10%. However, as provided in section B of the narrative, applicant is not proposing to locate the toilet or kiosk on slopes greater than 10% and therefore does not understand additional fire breaks accounting for steeper slopes to be necessary.

**Item 6.** Exception to Secondary Fire Safety Zone

Response: As provided in response to item 3, the additional fee for review is now paid. Applicant is not requesting, nor does it need to request an adjustment to the forest practices setbacks in the CFU zone. As provided for in section B of the narrative in response to applicable criteria, all required firebreaks are provided for on land owned by Metro.

**Item 7.** Fire Safety Zones

Response: No property line adjustment or lot consolidation is necessary to accommodate the fire safety zones. As provided for in the narrative in response to applicable criteria, all required firebreaks are provided for on land owned by Metro. Otherwise, any required property line adjustment or lot consolidation could be made a condition of approval to ensure compliance.

**Item 8.** Protected Aggregate Mineral (PAM) overlay

Response: A small section of trail extension is proposed within the PAM overlay. Applicant demonstrates compliance with all applicable PAM overlay standards in section G of the narrative. With this submission, applicant paid the required \$1,457 fee associated with PAM overlay review.

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**Item 9.** MCC 33.2045(A)(2) findings

Response: Metro's narrative response provides additional information with respect to fire hazards and fire suppression, and how Metro intends on managing the property and use to minimize fire risks to demonstrate compliance with MCC 33.2045.

**Item 10.** Significant Environmental Concern criteria

Response: In both the current and previously submitted narratives, Metro responds to all applicable SEC criteria. As provided for in section E of the narrative, the plain language of the SEC standards exempt activities enhancing public recreational uses on public lands, which includes trails. However, in the alternative, respecting the County's opinion, and to further demonstrate that the proposed use is appropriately planned and located, Metro demonstrates compliance with all other applicable SEC permit standards as if no exemption existed. By demonstrating compliance with the SEC permit standards, Metro is not waiving its position that all or portions of the public recreational enhancements on public lands are exempt from SEC permit standards.

**Item 11.** SEC-v colors and materials standard

Response: Included in section E of the narrative is the required response to SEC-v standards, and specifically a description of the colors and materials proposed for the retaining wall and vault toilet.

**Item 12.** SEC-v lighting standard

Response: Included in section E of the narrative is the required response to SEC-v standards, and specifically dark skies compliance. The requirement to shield or otherwise direct light downward can be made a condition of approval to ensure compliance.

**Item 13.** Onsite Sanitation Review

Response: Metro has coordinated review of the proposed vault toilet with the City of Portland Sanitarian, submitted the required application, and paid the City/County/DEQ review fee. The City's approval confirmation of the vault toilet will be provided promptly after it is issued. A pit inspection is scheduled for the second week in January. If the approval form is not submitted into the record prior to the County performing its completeness review, Metro requests that the County nonetheless process the application with the understanding that the approval form will be provided during the review proceeding.



**Item 14.** MCC 29.003(B) – fire service provider

**Response:** The submitted narrative addresses MCC 29.003. Attached as Exhibit 15 is the required fire service provider form, executed by the Oregon Department of Forestry.

**Item 15.** Flood Hazard/Floodplain Development Permit

**Response:** Metro is not proposing development within a special flood hazard or that otherwise requires a floodplain development permit. As demonstrated by Exhibit 9, the property and all proposed development is outside the 100-year floodplain. Metro is not proposing to alter, modify or relocate a watercourse. As described in the narrative and depicted in Exhibit 22, all new stream crossings will be via an elevated structure, located above the channel which defines the watercourse.

**Item 16.** Transportation review fee

**Response:** With this submission, Metro paid the \$49 transportation review fee.

## **Transportation Comments**

### **Burlington Creek Forest Nature Park – Use application**

1. Unbuilt public rights of way

**Response:** As described in the narrative and depicted on Exhibit 25, as well as tax maps included in Exhibit 18, the Burlington Creek Forest includes numerous unbuilt public rights of way. Metro acknowledges the unbuilt public rights of way. The existing forest practices access road does not access NW McNamee in the location of the public right of way, known as Bonito Drive on tax and plat maps. The existing forest practices road was not intended, nor is it developed to serve as an improved Bonito Drive. Rather, the forest road is intended and serves Metro's Goal 4 forest uses. Multnomah County Transportation identified two options to move forward in implementing Metro's proposed plans, an encroachment permit or a right of way vacation. Metro has initiated the right of way vacation process. Metro requests that an encroachment permit or completing the right of way vacation process be imposed as a condition of approval.

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2. Trip generation information

Response: County transportation staff requested that Metro seek out and provide additional trip information for other comparable nature parks, including the City of Portland's Powell Butte. The submitted narrative, section D, as well as Exhibit 24, includes the requested information and further discussion of anticipated transportation impacts.

**North Tualatin Mountains - Comprehensive Plan Text Amendment application**

1. Multnomah County Transportation System Plan

Response: The submitted text amendment narrative includes responses to the County's transportation goal and its subsequent 24 policies. Applicant demonstrates the North Tualatin Mountains Access Master Plan is consistent with the County's Transportation System Plan.

If you have any questions or concerns with the information or response provided, please contact me directly at 503-797-1600 or [gary.shepherd@oregonmetro.gov](mailto:gary.shepherd@oregonmetro.gov). Metro thanks you for your time and assistance with this application review.

Sincerely,



Gary Shepherd  
Office of Metro Attorney

