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Land Use Planning Division
1600 SE 190th Avenue
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RE: Metro's North Tualatin Mountains
Case #T3-2017-9165 – Use Application
MCC 33.6300 – 33.6335 (Conditional Uses)

Dear Mr. Cook:

This submission addresses MCC 33.6300-.6335, additional standards associated with conditional uses.

§ 33.6300 Purposes.

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

Finding: The purpose statement is itself not an applicable approval criterion. However, applicant demonstrates compliance with the applicable conditional use standards below, which ensures that the request is appropriate and consistent with this purpose statement.

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

§ 33.6305 General Provisions.

(A) Application for approval of a Conditional Use shall be subject to the provisions for Type III decisions in MCC Chapter 37.

(B) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority.

(C) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC 33.6315 and in the district provisions.

Finding: Applicant is seeking approval of visitor access improvements and multi-use trail system, an allowed use. All applicable provisions in MCC Chapter 37 and 33.6315 are and will continue to be addressed. This standard is met.

§ 33.6315 Conditional Use Approval Criteria

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

(1) Is consistent with the character of the area;

Finding: The Tualatin Mountains extend into the greater Portland area along the Columbia River, dividing the lowlands of the Willamette and Columbia rivers from the Tualatin Valley. Burlington Creek Forest, McCarthy Creek Forest, Ennis Creek Forest, and North Abbey Creek Forest are four discontinuous sites owned by Metro, totaling 1,300 acres that form the North Tualatin Mountains. Collectively, the sites preserve in perpetuity large blocks of upland forest, streams and habitat connectivity northwest of Forest Park and southeast of NW Cornelius Pass Road. Metro desires to improve access to Burlington Creek Forest in a way that ensures healthy habitats and meaningful experiences in nature. Metro's Burlington Creek Forest site is located on the east-facing slopes of the mountain ridge and is similar in character to Forest Park, with forested hillside and fairly steep topography typical of the area. The site is located outside of the Urban Growth Boundary in unincorporated Multnomah County.

Burlington Creek Forest is comprised of numerous parcels zoned for Commercial Forest Use covering approximately 350 acres. The area surrounding Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, ancient forest preserve, and wetland.

Surrounding land uses of note include the following:

- *Quarry:* An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.
- *Rural Residential:* Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential areas are located along NW McNamee, west of the forest, and also adjacent to Highway 30, below the forest. The residential uses adjacent to Highway 30 are typically solely residential in nature, while many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is

¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.

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

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

In recent history, this forest has been managed primarily for commercial timber harvest. Much of the area was logged in the early 1990s. Hundreds of acres are dominated by single species, densely planted young stands of Douglas fir. When acquired by Metro, little to no snags and downed wood were present.

The property is currently used for recreational purposes. People walk and ride bikes on existing logging roads and access the site via the existing access drive from NW McNamee Road and an unsanctioned neighborhood access point and trail. Metro is also managing the forest to reduce the number of Douglas fir trees per acre, to promote healthy trees, preserve hardwoods and native shrubs, and increase diversity.

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

Connectivity between Burlington Creek Forest, Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by US Highway 30, local roads, residential development, and the railroad line. Burlington Creek and several unnamed tributaries flow eastward through steep valleys to the base of the ridge.

Visitors to Burlington Creek Forest will access the site from an existing access drive off of NW McNamee Road. Proposed improvements include limited, essential day-use amenities and signs designed to orient visitors and highlight the site's unique habitat, wildlife, and geological features; a gated parking lot for approximately 25 cars, including one ADA parking space; a prefabricated vault restroom with a non-flammable, concrete wall and roof structure; and a trailhead and shared use trails, designed specifically for hiking and off-road cycling. Visitors to Burlington Creek Forest will be able to continue walking and riding bikes and horses on the nearly three miles of existing logging roads on the site with the addition of approximately six miles of new natural surface multi-use trails.

Recreational objectives include: Providing a formal system of trails that serve appropriate and multiple uses and abilities, including hiking, off-road cycling, and wildlife viewing; providing scenic viewpoints; providing safe pedestrian and vehicle access to the area; providing necessary site amenities and infrastructure to serve visitors; providing a family-friendly environment with opportunities for people of all ages and abilities to enjoy the site; and following “sustainable trails” guidelines for all trail development.

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

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

Generally, site rehabilitation and management will be pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aimed to protect and enhance the forest’s natural and scenic resources and to create a place for wildlife to thrive. Exhibit 1 to narrative. Metro’s Site Conservation Plan identifies desired future conditions for the forest and riparian areas. The desired conditions will promote native trees and shrubs; provide habitat for migrating and nesting birds, mammals and amphibians; and protect water quality and riparian habitat while promoting cooler temperatures. The Site Conservation Plan (SCP) is a document that guides Metro’s stewardship and restoration work, serving as a tool for protecting and enhancing the unique characteristics of the site while also allowing for access by the public. The SCP was developed in collaboration with Metro scientists, land managers, and planning staff. This document defines the key ecological attributes, conservation targets, recreation and access objectives for the site. That work is implemented as funding is allocated and pursuant to priorities identified by Metro.

Planning and Design Effort:

The Burlington Creek Forest was one of four forested sites that were the subject of the North Tualatin Mountains Access Master Plan. That Master Plan is being considered by the County under a separate application for a County Comprehensive Plan text amendment. The Master Plan was approved by Metro Council in 2016.

The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, independent consultants, scientists, planners, naturalists, project stakeholders, and community participants.

Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provide baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research and external experts to evaluate possible impacts of potential access opportunities. Metro scientists then work with Metro's planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process objective is to identify suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.

The final product and public improvements contemplated are the result of over two years of significant public outreach effort, including community meetings, public open houses, surveys, and outreach. The project stakeholders were Laurel Erhardt, Skyline Ridge Neighbors; Brad Graff, Skyline Ridge Neighbors; Jerry Grossnickle, Forest Park Neighborhood Association; Andy Jansky, Northwest Trail Alliance; Shawn Looney, West Multnomah Soil and Water Conservation District; Renee Myers, Forest Park Conservancy; Travis Neumeyer, Trackers Earth; Jinnet Powell, Skyline School; Emily Roth, Portland Parks & Recreation; Jim Thayer, Oregon Recreation Trails Advisory Committee; Roger Warren, Oregon Department of Forestry; and, Susan Watt, Skyline Ridge Neighbors.

The plan's goals include: protecting fish and wildlife habitat and water quality while providing opportunities for meaningful experiences of nature in a safe, controlled, and sustainable manner.

The visitor access and land management activities proposed for Burlington Creek Forest represent that balanced approach.

The design presented for land use approval:

- Protects and enhances natural and scenic resources by protecting large blocks of forest and core habitat;
- Integrates community and partner suggestions;
- Identifies and accesses the best location for day use and trail heads;

- Utilizes existing roads and locates new trails to avoid and minimize impacts to sensitive natural resource areas;
- Employs sustainable trail construction techniques;
- Provides safe ingress and egress and internal movement of vehicles and pedestrians; and
- Is designed consistent with the surrounding landscape and uses, and is in a scale and character that the community supports.

The plan and design under consideration is the product of nearly three years of work by Metro, partnering agencies, the community, and stakeholders.

(2) Will not adversely affect natural resources;

Finding: The Burlington Creek Forest is one of four forested sites that are the subject of the North Tualatin Mountains Access Master Plan. That Master Plan is being considered by the County under a separate application for a County Comprehensive Plan text amendment.

The Master Plan is designed to provide a long-term vision and implementation strategy to guide land management and public use of the North Tualatin Mountains. The plan was developed by land and property managers, landscape architects, independent consultants, scientists, planners, naturalists, project stakeholders, and community participants.

Metro employs a science-based approach to site management and conservation. During the master planning process, Metro scientists provided baseline information about current conditions, conservation targets and habitat restoration goals, guided by conservation biology, site knowledge, research, and by using external experts to evaluate possible impacts of potential access opportunities. Metro scientists then worked with Metro's planning team to develop access opportunities that are compatible with habitat, wildlife, and water quality goals for the natural area. The process identified suitable locations and activities for recreation while seeking to stabilize and restore diversity and the ecological health of the site.

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- Is designed consistent with the surrounding landscape and uses, and is in a scale and character that the community supports.

The plan and design under consideration is the product of nearly three years of work by Metro, partnering agencies, the community, and stakeholders.

Generally, site rehabilitation and management of the subject property are and will be pursuant to a Site Conservation/Restoration Plan, produced by Metro, which continues restoration aimed to protect and enhance the forest's natural and scenic resources and to create a place for wildlife to thrive and water quality to be protected. Exhibit 1 to narrative. Metro's Site Conservation Plan identifies desired future conditions for riparian areas and the forest. See also Exhibits 5 and 10 to narrative for current cover maps and conservation targets. This standard is met.

(3) The use will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Finding: This standard seeks to protect the ability of surrounding forest lands to be put to Goal 3 and 4 uses. The standard seeks to prevent or mitigate for new uses that will force a "significant change in" or "significantly increase the cost of" farm and forest practices. The standard does not prohibit uses that result in any impact, rather it only seeks to avoid or otherwise mitigate for those uses that represent a *significant* impact or change from existing conditions *on surrounding resource uses*.

The term "accepted farming practice" is defined by statute as "a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use." ORS 215.203(2)(c). Accordingly, not all activities related to a farm use amount to an "accepted

farming practice.” Only those farming activities that are intended to make a profit (as compared to hobby farms) are accepted farming practices for the purposes of determining whether this criterion is satisfied. Accepted farm practices include planting and harvesting of crops and nursery stock, plowing fields, use of accessory farm structures, application of fertilizers and pesticides, and the movement of farm vehicles and trade vehicles. Nursery and berry crops, as well as any vegetable crops, require irrigation in summer months. Factors that could increase farming costs are water contamination, weed contamination in crops, changes in farming patterns, land value influences, lack of irrigation water, overspray, and interfering with the movement of farm vehicles.

Likewise, “accepted forest practice” is a mode of operation common to forest lands of a similar nature, necessary for the timber land to obtain a profit in money, and customarily used in conjunction with timber production. Accepted forestry practices include timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), road construction and maintenance, wildlife and water resource protection. Factors that could increase forestry harvest costs include weed contamination, a change in forestry patterns, precluding access to timber land, interfering with the movement of log trucks, and locating non-forestry dependent uses in close proximity to forestry uses.

For purposes of this standard, the analysis area are those lands adjacent to the Burlington Creek Forest Natural Area. See Figure 3 to narrative.

As depicted in the boundary lines above, Metro’s Burlington Creek Forest site is located on the east-facing slopes of the mountain ridge and is similar in character to Forest Park, with forested hillside and fairly steep topography typical of the area. The site is located outside of the Urban Growth Boundary in unincorporated Multnomah County.

Burlington Creek Forest is comprised of numerous parcels zoned Commercial Forest Use (CFU), covering approximately 350 acres. The area surrounding Burlington Creek Forest contains a mixture of land uses including residential, timber harvest, gravel extraction, ancient forest preserve, and wetland. However, given its location on the eastern slope with the railroad lines and State Highway 30 to the east, the property is rather isolated from surrounding uses. McNamee Road, Cornelius Pass Road and the railroad all cross through the Burlington Creek Forest. Additional infrastructure includes power line corridors running the length of the site, logging roads, and a Burlington Water District water tank that serves the neighborhood below. Exhibit 13 to narrative. Connectivity between Burlington Creek Forest, Burlington Bottoms Wetlands and Multnomah Channel located east of the forest is impeded by Highway 30, local roads, residential development, and the railroad line. See Figure 4 to narrative.

Surrounding land uses of note include the following:

- *Quarry:* An operational quarry, located along U.S. Highway 30 southeast of Burlington Creek Forest.
- *Rural Residential:* Residential areas composed primarily of rural residential parcels typically one acre or more, and with many 20 acres or greater in size. Residential

areas are located along NW McNamee, west of the forest, and also adjacent to Highway 30, below the forest. The residential uses adjacent to Highway 30 are typically solely residential in nature, while many rural residences along McNamee have forest resources associated with them. The closest homesite along McNamee is ¼ of a mile away from the proposed access improvements, and several hundred feet higher in elevation, with mature trees located in between.

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

The railroad lines are located west of the homesites along Highway 30, with Burlington Creek Forest, uphill from the rail lines. See Figures 5, 6, and 7 to narrative.

There are no commercial farming activities occurring on lands adjacent to the property. Therefore, no activities proposed will result in significant impacts to or significantly alter farm uses.

The timber/forestry-related activities that may occur on the properties adjacent to McNamee and the subject property, if the owners were to engage in harvesting activities, include: timber harvesting, reforestation (tree stocking after harvest), slash treatments (including burning), chemical application (fertilizers and pesticides), and road construction and maintenance. The forestry operations are located a substantial distance from the proposed access improvements. Therefore, no activities proposed will result in significant impacts to or significantly alter those forest uses.

Proposing and confining the access improvements to the interior of the site and buffering those uses with additional Metro land holdings further isolates the use and thereby minimizes impacts, if any.

Currently, the subject forested site is used for recreational activities in an informal and largely unsupervised manner. Visitors access the site via the existing access drive, park vehicles adjacent to the existing gate and adjacent to NW McNamee Drive, and recreate on the property in a variety of ways, including hiking and bicycling. Activities occurring on site currently do not impede any forestry operations in the general vicinity. Metro is proposing to formalize and improve visitor access improvements to promote the safe and directed use of the site, rather than the unregulated and undirected recreational use currently occurring.

Additional impacts to the surrounding neighborhoods from proposed limited site improvements and formalized public use will be minimal. The site is isolated from adjacent

property and uses given its sheer size. Uses are promoted in the interior of the forest. Additional Metro objectives include: providing controlled access and on-site parking scaled to the site's capacity, assuring the privacy of neighbors by controlling access, providing setbacks and buffers, and monitoring the use.

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

The uses currently occurring and proposed to be formalized are recreational and passive in nature. Other site activities will preserve and rehabilitate upland forest, riparian habitat, and forest health. The only use that may emanate any negative impact is additional recreational use – such as noise or traffic. However, recreational uses are substantially buffered from any farm and forestry operation by distance, topography, the location of the use on the property, minimal forested uses, adjacent rural residences, and large lots being managed for parks or natural areas that surround the park.

There are no level of service issues. The assigned functional classifications reflect the roadways' intended purpose, the anticipated speed and volume, and the adjacent land uses. The primary roads upon which the adjacent properties rely on for local access will continue to carry volumes of traffic that the roads are designed to accommodate. Exhibit 3 to narrative.

Given the distance of potential resource-related activities from the subject park, as well as the location of the use activities made within the park, together with topographical protections, the potential for conflicts is minimal to none. The prohibited significant impact standard is not approached. This standard is met.

4) Will not require public services other than those existing or programmed for the area;

Finding: The proposed access improvements and trails will not require public services other than those existing for the area. Public services associated with the planned access improvements include police and fire services. Metro submitted service provider forms

and comments from police and fire service providers indicating that the area and planned improvements are or can be served.

Other customary public services associated with development, such as water, storm, and sewer, are not necessary to serve the planned recreational and resource management activities. Currently, all potential service needs are planned for on-site accommodation, although power and water are available in the general area if those services are needed or otherwise sought by Metro. Otherwise, if water is desired, a well or water tank can be installed. All stormwater generated by an access improvement will be controlled on site.

(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Finding: The property is outside a big game winter habitat area as defined by the ODFW. No sensitive big game habitat is present. Elk are found throughout areas in and around the North Tualatin Mountains. The North Tualatin Mountains herd is part of the Willamette Unit, which is an ODFW “de-emphasis area.” Because of this, ODFW allows a longer hunting season and has more liberal tag regulations, including not tracking bull to cow ratios. Although the elk are born and raised around humans, and are relatively acclimated to some human activity, trail development at Burlington and McCarthy may slightly change their movement patterns. That said, according to ODFW, available forage, especially grass, is one of the biggest issues limiting Elk in the North Tualatin Mountains; fragmented habitat has a lesser impact.

According to observations of the North Tualatin Mountains as a whole, elk frequent several meadows in the area and migrate between these sites and into Forest Park. Given that these elk move within a relatively large area, frequently cross busy roads, and use backyards and farm fields, an increase in human use of a small portion of the North Tualatin Mountains sites is not likely to cause significant effects on the elk population.

Elk are charismatic and great to see along the Tualatin Mountains Ridge. Through this planning process, participating community members have expressed how important this herd of elk is to people who live in the area. For this reason, the Master Plan was amended to minimize disturbances to local elk movement. This standard is met.

(6) Will not create hazardous conditions; and

Finding: The need to avoid, or otherwise avoiding, creating hazardous conditions is a recurring standard when proposing uses in the CFU district. Applicant proposes improvements that protect water quality and fish and wildlife habitat, while creating opportunities for the community to enjoy nature.

Applicant identified steep slopes and general geological conditions as a potential hazard. The subject forest includes areas of steep slopes and some evidence of historical slumping, however, most of the historical landslide activity is documented north of Cornelius Pass

Road where no improvements are proposed. See Figure 11 to narrative. Landslide risks are minimized through application of the County's Hillside Development (HD) overlay zone and code provisions. The HD zone includes a number of requirements related to the assessment and documentation of risk and restrictions on development where slopes exceed 25%. Property owners may be required to obtain a report and recommendations from a geotechnical professional, documenting the risks associated with potential landslides and measures that can be taken to mitigate those risks. Metro has undertaken that effort with respect to its planned Burlington Creek Forest visitor improvements. All future parking lot and trail construction activities will require a Grading and Erosion Control permit and satisfaction of all applicable standards intended to minimize risks and potential damage associated with steeper slopes. The recommendations of the Geotechnical Engineer will be followed. The Geotechnical Engineer concluded that the areas proposed for parking and trail improvements are topographically suitable for the proposed uses. These policies are and will be met.

Applicant has also identified wildfire as a potential hazardous condition. The property which is the subject of this application, including the immediate neighbors, are outside of the area identified on the communities at risk of wildfire map. See Figure 8 to narrative. The closest "community at risk" is located northwest of the site along Cornelius Pass Road. However, the West Hills community has potential to be impacted by any wildfire on public or private land within the mountain range.

The subject property (and specifically the area of the proposed parking lot/access improvement) are within the jurisdiction of the Oregon Department of Forestry (ODF) rural lands fire and emergency services. ODF confirmed they are able to serve the property. Metro pays annual fees to ODF for fire protection services. Thus, costs to suppress potential fires are not significantly increased.

Metro acknowledges that public access in a forest may represent a level of increased risk of wildfire. The additional fire risks associated with recreational use in forest lands are contemplated by Goal 4. The risks are considered an acceptable derivative of the very nature of permitted use, similar to the risks of wildfire posed by forest dwellings and forest management activities such as slash burns and operating chain saws in a forest setting, all of which represent a greater risk of fire than recreational use.

Given that the public is currently accessing and utilizing the site for recreation and other uses, there is a base line level of existing fire risk emanating from site conditions and use. Base line risks are also present because of potential unauthorized uses, including camping. As the site is currently managed as a natural area with informal access, site conditions are not frequently monitored by Metro staff.

By formalizing access and use, together with preventative operational and land management actions and proactive efforts, additional fire risks can be minimized as contemplated by the standard. Metro is of the opinion that with continued forest management and monitoring, fire risks will not approach the "significantly increase" standard beyond base line levels currently experienced. It is Metro's opinion that an

increase in the number of site visitors does not result in a substantial increase of fire risks or fire suppression costs. Having managed Metro parks and natural areas for over 30 years, Metro has not seen any correlation between visitor numbers and resulting intentional or unintentional fires occurring on its property. To date, Metro has only experienced one small wild land fire started by an illegal camper at Canemah Bluff in Oregon City. Additionally, Metro staff are trained in wild land firefighting to assist responding fire departments.

With an increase in public visits and regular, frequent Metro staff visits, more eyes will be on the forest. Metro opines that more eyes on the forest will increase incident response ability compared with current conditions.

Applicant also intends on improvements and land management activities that will decrease the fire hazard, decrease fire suppression costs, decrease risks to fire suppression personnel, improve onsite movement of emergency vehicles, and decrease risks to site users and adjacent properties.

Metro's restoration work and long term management strategy for the subject property includes identifying and reducing fire risks where possible, including thinning, fuels reductions, native plantings, riparian restoration, monitoring, and access road maintenance. Fuels mitigation is proactive, while fire suppression is reactive. Thinning practices also facilitate wild land firefighting efforts for monitoring and controlling future fire incidents.¹

Proactively, an Incident Action Plan is developed for the property that includes information to assist Metro and cooperating agencies responding to a fire on Metro property. An Incident Action Plan has been developed for Burlington. Exhibit 26 to narrative. It establishes, among other things, protocols and access locations for a coordinated and efficient response.

Metro follows the Oregon Department of Forestry Industrial Fire Precaution Levels and restrictions. If very high fire conditions are present, Metro would prevent certain activities and may temporarily close areas. In this effort, Metro will work with local fire prevention and suppression agencies. However, the activities promoted and allowed on Metro property are not activities that are prone to start fires. Camping, fires, smoking, fireworks, and discharging fire arms are prohibited. These prohibited activities will be continue to be posted at the park entrance to clarify Metro's rules to visitors. Only passive recreational activities are allowed and they are controlled and directed in defined areas.

High profile local fires, such as the Eagle Creek Fire in the Columbia River Gorge, lead to greater public and agency awareness of risks on forest land during periods of high fire danger. It is worthwhile to point out some differences between the Burlington Forest and the forests impacted by the Eagle Creek fire in the Gorge. Burlington Creek Forest, given its

¹ Article - *Forest Harvest Can Increase Subsequent Forest Fire Severity*; Proceedings of the Second International Symposium on Fire Economics, Planning, and Policy: A Global View; Stone, Hudak, and Morgan.

past history as an industrial tree farm, contains very young stands of trees with a much lower amount of leaf litter and dead and downed wood than found in unmanaged mature forests. Thinning has been undertaken at the property to reduce tree densities and create gaps between tree crowns. The property also contains a large component of hardwood trees. Hardwood stands are not as prone to fire as pure conifer stands and much of this hardwood component is located in the drainages, which are topographic features that can act as funnels for fire.² Though all areas in the Portland area are affected by east wind events (one driver of large fires in Western Oregon), the east wind effects in the Columbia River Gorge are particularly pronounced and concentrated. Finally, unlike the areas impacted by the Eagle Creek fire, the Burlington property has an extensive forest road system, allowing efficient and effective vehicular access to most of the property in response to an event.

While fire is always a risk on a forested landscape, Metro undertakes preventative measures to mitigate this risk. In addition to thinning and fuel reduction efforts, Metro's Natural Areas Land Management (NALM) staff undergoes a yearly fire refresher training. Metro's NALM staff also carries fire tools and gear in their vehicles which are equipped with portable pumps and water tanks during fire season. This is not to replace the expertise of local and State fire responders but to enhance Metro's ability to analyze and respond to fires and assist professional fire fighters when they arrive on scene. Access to the property will be improved for emergency responders. The resurfaced access road will provide direct access to the existing forest road system and trail network. The proposed access drive will be of an all-weather surface capable of supporting not less than 12,500 pounds point load and 75,000 pounds live load. The access drive as well as the existing forest management road network that will be maintained, represent a nearly 25-foot fire break. Exhibit 20 to narrative.

The proposed structures do not represent a fire risk. The only small structures proposed are a nonflammable concrete vault toilet and information sign with metal roof. As confirmed by the fire department, given their location and material composition, they represent no increase in the risk or cost of fire suppression. Exhibit 15 to narrative. The structures do not pose a risk of being the source of ignition of adjacent forest land because they include non-flammable materials (including concrete, steel, and metal), contain no combustible materials, and are not occupied. Exhibit 11 to narrative. No chimneys are proposed. The structures are located on a flat site that has little or no ground fuels, and will be surrounded by gravel. Also, the non-combustible nature of the materials reduces the likelihood that fire suppression effort during a fire would be diverted to protect the structure at the expense of adjacent forest land.

Also, ground fuels can be effectively managed. Applicant proposes to remove downed fuel vegetation and dead organic material around the parking area and toilet where it may exist to form an additional fire break. Small trees and brush growing underneath large trees will be controlled and removed around and near the toilet to prevent the spread of fire up into

² Publication – Bennett, M., *Reducing Fire Risk on Your Forest Property*, a Pacific Northwest Extension Publication, October 2010.

the crowns of larger trees. Within 30 feet of the two structures and generally around the parking area, applicant proposes to remove any small trees that may be located beneath a larger tree and which represents a fire risk to the large tree. The area around the parking lot will also be thinned as a forest management practice to lessen fire risks. Additionally, a 400,000 gallon capacity water tower with an associated fire hydrant is located in the middle of the property. Exhibit 13 to narrative.

Access is via NW McNamee Road, a county public roadway. The access drive has an unobstructed driving surface of not less than 20 feet in width and unobstructed vertical clearance of not less than 13 feet 6 inches. Exhibit 20 to narrative. While the access road will be gated at night, they will include strobe sensors that will automatically open when approached by an emergency vehicle. This standard is met.

(7) Will satisfy the applicable policies of the Comprehensive Plan.

Finding: Applicant submitted a comprehensive plan amendment application in conjunction with the subject use application for the Burlington Creek Forest. Rather than duplicate the information provided in that submission, which is hundreds of pages of narrative and exhibits demonstrating compliance with all applicable comprehensive plan policies, Applicant respectfully directs the review to that companion submission and incorporates the findings and evidence by reference. This standard is met.

§ 33.6325 Design Review. *Uses authorized under this section shall be subject to design review approval under MCC 33.7000 through 33.7060.*

Finding: Applicant addresses and demonstrates compliance with applicable design review criteria beginning at page 36 of its narrative statement. This standard is met.

§ 33.6335 Conditional Use Permit. *A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.*

Finding: Applicant requests a conditional use permit for aspects of the subject proposal. Applicant requests conditions of approval to ensure compliance with applicable standards. This standard is met.

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. Metro thanks you for your time and assistance with this application review.

Sincerely,



Gary Shepherd