

1600 SE 190th Avenue, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

October 27, 2017

Gary Shepherd
Office of Metro Attorney
600 NE Grand Avenue
Portland, OR 97232

RE: Application for Comprehensive Plan Text Amendment (Case #T4-2017-9166) and for park related development (Case #T3-2017-9165), which includes the following permits/reviews: Conditional Use/Community Service, Design Review, Significant Environmental Concern, Hillside Development, Lot of Record Determination, and Forest Development Standards Review.

Dear Mr. Shepherd:

Thank you for submitting the above referenced applications for Metro owned properties located in the West Hills / Tualatin Mountains. As requested, the applications are being processed and reviewed concurrently. The applications have been reviewed by Land Use & Transportation Planning staff to determine if all required materials have been provided. It is obvious that a lot of time and careful consideration by many people went into preparing the applications. As is common with applications subject to multiple approval criteria, we have identified additional information needed in order to process the applications.

Information and Materials Requested:

1. We request that you provide a primary site plan of the Burlington site as well as for the individual trail segments. With applications of this size it is often useful to refer to the primary site plan. Additionally, when changes are proposed it is easier for staff (and interested community members) to track the iterations on a single primary site plan, which in turn, inform changes to all related plans. Conversely, changes to specific plans may necessitate changes to the primary site plans.
2. It is unclear whether some trail development is proposed in the near term or longer term. We request that Metro provide some indication of the contemplated timing and/or phasing of proposed and future trails and trail-head development.
3. The request for an exception to the secondary fire safety zone must be processed through an application for an Exception (a type II permit). Please submit the application fee (\$227.00) for an Exception to the Secondary Fire Safety Zone.

4. The proposed information kiosk is also a structure that is subject to the fire safety and forest practices standards. Therefore, it appears that the firebreak and setback areas need to be revised to include the structure.
5. It appears that the restroom building and sign kiosk are proposed on lands that are greater than 10% slope, which would require the primary fire safety zone to be extended 50 feet further downslope. Please provide a revised plan showing the extended primary fire safety zone.
6. The request for an Exception to the Secondary Fire Safety Zone must be processed through an application for an Exception. Please submit the required \$227.00 application fee along with the appropriate site plan and findings. An adjustment may also be required if you are also seeking to adjust the forest practices setbacks in the CFU zone. You may request to reduce the setbacks by up to 40%. If you are also requesting an adjustment to setbacks please submit the required \$488.00 application fee along with the appropriate form, site plan and findings addressing the adjustment criteria in MCC 33.7601 through MCC 33.7611.
7. If any portion of the required fire safety zones would be located off the subject property and/or the forest practices setbacks cannot be accommodated on the subject property, you may pursue either (or a combination of) a Property Line Adjustment or Lot Consolidation. If you wish to pursue either of these options please submit the required forms, application fees, site plan and findings addressing the approval criteria.
8. If any new uses or development (including trails) will be located within either of the Protected Aggregate Mineral overlays, please either submit a PAM application or provide information why the uses and/or developments are exempt from the PAM overlay review.
9. Regarding your findings for MCC 33.2045(A)(2), please consider providing additional information with respect to minimizing the threat of wildfires that may result with increased visitation to forested sites owned by Metro. In light of the recent Eagle Creek fire in the Columbia River Gorge and the location of homes and infrastructure located upslope of Metro owned properties (McNamee Rd. and Skyline Blvd. for example), please consider providing additional information addressing how Metro intends to manage public access during fire season.
10. In several of your findings, you state that the development and/or trail development are exempt from the Significant Environmental Concern criteria pursuant to MCC 33.4515. Staff does not find any such exemptions in 33.4515. Staff believes that all proposed development, including trail development, is subject to the SEC criteria. We respectfully ask that all SEC approval criteria be addressed in the application (i.e. any proposed trails and stream crossings in SEC streams overlay). Please note, however, that the proposed information kiosk along with any other proposed signs does appear to be exempt from SEC review pursuant to MCC 33.4515(A)(4).
11. Please provide details regarding the colors and materials that are proposed for the both the retaining wall and the bathroom building in order to better address visual subordination in the SEC view overlay.

12. Please provide details regarding the proposed lighting on the bathroom building (and any other light fixtures if proposed) in order to better address the SEC view overlay and Compliance with the Dark Skies code standards.
13. Please submit an onsite sanitation review form completed and signed by the City of Portland Sanitarian (who reviews on site sanitation on a behalf of Multnomah County and as an agent of DEQ). This information is needed in order to insure that the proposed restroom location and design are allowed under DEQ rules.
14. Please address MCC 29.003(B), which requires evidence that Metro has applied to have the property (with structures) served by an appropriate fire agency. This standard can be met by either applying to be included in a fire district or demonstrating that the property cannot be annexed or served by a particular district. We appreciate the information provided by Portland Fire and we ask that you also contact Tualatin Fire, Scappoose Fire, and Sauvie Island Fire in order to determine which, if any, of the Fire Departments are able to provide structural fire service to the site.
15. Stream crossings are subject to the Flood Hazard permit requirements in MCC chapter 29. Please indicate whether you intend to apply for and address those criteria as part of this application or prefer to defer the review to a separate Type I application at a later date.
16. A transportation review fee of \$49.00 is required.

**Transportation Comments (Provided by Kate McQuillan, AICP
Transportation Planner):**

“Thank you for providing Transportation Planning the opportunity to review the North Tualatin Mountains Nature Park Comprehensive Plan Amendment Application (T4-2017-9166) and the various permit applications for the Burlington Creek Forest Nature Park (T3-2017-9165).

Upon reviewing the application materials submitted, Transportation Planning has the following comments as they relate to application completeness:

Burlington Creek Forest Nature Park (T3-2017-9165)

Multnomah County Transportation has two comments regarding this application:

1. Unbuilt public rights of way

The application materials fail to acknowledge the unbuilt public rights of way noted in the pre-application memo to the Applicant from Multnomah County Transportation Planning and Development Program memo (EP-2017-6780, dated March 28, 2017). Unbuilt public right of way exists throughout the site planned for the Burlington Creek Forest Nature Park, including the proposed access to the parking lot. In the memo EP-2017-6780 from Multnomah County Transportation, staff outlined two options to move forward with their proposal to develop the Burlington Creek Forest Nature Park: (1) obtain encroachment permits and improve the unbuilt rights of way, or (2) initiate the right of way vacation process for the unbuilt rights of way.

Based on the application materials submitted, Multnomah County Transportation understands the Applicant is not proposing to improve the rights of way, and in fact plans to install an automatic gate to restrict access on a public right of way as it were a private road. Therefore, Multnomah County will require the Applicant to pursue a right of way vacation for the unbuilt rights of way throughout the park site.

For the purposes of this application, Multnomah County Transportation requests the application materials (including relevant exhibits) acknowledge the unbuilt rights of ways in the various site descriptions, and also refer to the “existing access road” connecting to the proposed parking lot as Bonito Drive, an unbuilt right of way under the jurisdiction of Multnomah County, where ever mentioned.

2. Trip generation information in Traffic Analysis Letter (Exhibit 3)

Multnomah County staff appreciate the effort to provide trip generation estimates above the rates provided within the ITE Trip Generation Manual based on visitor rates at two existing Metro nature parks. Multnomah County understands that the Burlington Creek Forest Nature Park will provide increased opportunities for off-road bicycling, which has garnered a lot of public attention. Given this potential popularity and close proximity to a densely populated city, Multnomah County Transportation staff request that Metro seek out and provide additional trip data for comparable nature parks, even if not operated by Metro. Powell Butte Nature Park, managed by the City of Portland, would make an excellent comparison with its shared-use trails, popularity for off-road cyclists and close proximity to the city.

North Tualatin Mountains Nature Park Comprehensive Plan Amendment Application (T4-2017-9166)

On pages 25 through 70 of the application, the Applicant provided findings for the Multnomah County Comprehensive Plan’s goals and policies. However, for the findings related to Chapter 12 of the County’s Comprehensive Plan, which is the County’s Transportation System Plan, the Applicant did not include the County’s Transportation goal and its subsequent 24 policies. In its place, the Applicant incorrectly references the Oregon Administrative Rules (OAR) that govern local jurisdiction’s responsibility under the State’s Transportation Planning Rule.

Transportation Planning staff request that the applicant submit findings to show the Master Plan for the North Tualatin Mountains Natural Area is consistent with the County’s Transportation System Plan’s goal and 24 policies.”

Notes:

1. Prior to the Planning Commission, you will need to pay a deposit on the required public notice signs to be placed along the property frontages. Please contact Kevin Cook in order to arrange for the signs to be picked up for posting.
2. A Grading and Erosion Control permit may be required for ground disturbing activities that will occur outside of those areas already addressed in the Hillside Development permit application. We understand that Metro has acknowledged this in the application and has suggested a condition of approval for any needed GEC permits, rather than apply for one as part of the current application.

3. Please note that one or more addresses will need to be assigned by our office to properties prior to development permits primarily so that emergency service providers will have an address in their databases in order to facilitate short response times to on site emergencies. Each address assignment will require a separate address application fee.

Once you have gathered all of the requested information and materials, you will need to submit all items in **one single submittal packet**. Once you have submitted a complete packet addressing the requested items, we will conduct a new completeness review of your application.

The County's code gives you two options at this point. You can either elect to provide this missing information by March 28, 2018, or deem your application complete as it exists. We have enclosed a written option statement to assist you.

If you are unable to make your application complete within the 180 days, your application will be closed and your materials returned (application fees are forfeited) [MCC 37.0600B].

Please indicate on the attached form which option you would like to proceed under. You must sign the form and return it to my attention no later than November 24, 2017. If you do not return this form by the date provided above, we will assume you believe your application is complete and no additional information is needed. Your application will then be processed based upon what has been submitted.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Kevin C. Cook

Kevin C. Cook
Senior Planner

cc: File

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Application # T4-2017-9166 / T3-2017-9155
Case Planner: Kevin Cook

APPLICANT'S RESPONSE
(Return by November 24, 2017)

- ☐ **I intend** to provide the additional information identified in the attached letter from Multnomah County Planning within 180 days. I understand that if I do not make my application complete by March 28, 2018 my application will be closed and I will forfeit my application fees.
- ☐ **I refuse** to provide the additional information identified in the attached letter from Multnomah County Planning and I am deeming my application complete. I understand that my application will be processed with the supplied information. I am aware that failure to meet the applicable code requirements is grounds for denial of my application.

Signed and Acknowledged (Applicant)

Date