

C. Community Service Conditional Use Permit**§ 39.7500 PURPOSE.**

This subpart of MCC Chapter 39 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate as specified in each base zone.

Findings: The purpose statement itself is not an applicable criterion. However, applicant demonstrates compliance with the applicable community service standards below, which ensure that the request is appropriate and consistent with this purpose statement.

§ 39.7505 GENERAL PROVISIONS.

(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 39.8000 through 39.8050.

(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

Findings: Applicant is seeking approval of a water service system replacement and improvement project which involves a prefabricated structure to house a new well pump facility. The prefabricated well house and water storage tanks represent an accessory element to the approved community service use. The Design Review standards are addressed in this application narrative.

§ 39.7515 APPROVAL CRITERIA.

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 39.7550 through 39.7575, wireless communications facilities, subject to the provisions of MCC 39.7705, and except for regional sanitary landfills, which shall comply with MCC 39.7600 through 39.7625.

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

Findings: Oxbow Regional Park is an approved community service conditional use. A Welcome Center for visitors and several park maintenance and operations buildings and parking and circulation areas, with both paved and graveled surfaces, are located near the entrance of the park.

An existing well and wellhouse are in the center of the park. Waterlines run from the existing well house throughout the park, to the Welcome Center and operations and maintenance yard (O & M yard) area in the north, to the campground to the east, with the much of the existing system located within the right-of-way, under SE Oxbow Park Road. See Exhibit 15. The water lines run to various service points through the park, including numerous standpipes maintained to support fire services.

The existing water system is at the end of its serviceable life and replacement and improvements are necessary for continued health and safety as the system provides potable water to the Welcome Center, maintenance and operations facilities, campground, shelters, recreational areas, and standpipes throughout the park.

The facilities are proposed in the location of the existing systems. No clearing will occur. This standard is met.

(B) Will not adversely affect natural resources;

Findings: Oxbow Regional Park is an approved community service conditional use. A Welcome Center for visitors and several park maintenance and operations buildings and parking and circulation areas, with both paved and graveled surfaces, are located near the entrance of the park.

An existing well and wellhouse are in the center of the park. Waterlines run from the existing well throughout the park, to the Welcome Center and operations and maintenance yard (O & M yard) area in the north, to the campground to the east, with the much of the existing system located within the right-of-way, under SE Oxbow Park Road. The water lines run to various service points through the park, including numerous standpipes maintained to support fire services. *See Exhibit 15.*

The existing water system is at the end of its serviceable life and replacement and improvements are necessary for continued health and safety as the system provides potable water to the Welcome Center, maintenance and operations facilities, campground, shelters, recreational areas, and standpipes throughout the park.

There are two aspects to this project – one associated with the new well and service lines at the Welcome Center area, and the second associated with the existing well and service lines.

New well and service lines:

This aspect of the project proposes 1) to install a second well to serve the Welcome Center and surrounding facilities, 2) to install a small prefabricated concrete well house for the well pumps in the operations yard, 3) a small water storage tank to achieve required fire flows and operate the sprinkler system and other fire suppression elements serving the Welcome Center, 4) to replace underground waterlines serving various facilities in the Welcome Center and O & M yard area, 5) to replace underground waterlines along SE Oxbow Park Road to serve the day use area to east of the Welcome Center, and 6) replacing and installing additional fire department required standpipes at spaced locations along the water line. All work associated with this portion of the project will be in existing cleared, disturbed, and used areas. No clearing is proposed.

Two trees are proposed for removal: one western cedar (*Thuja plicata*) (17-inch diameter breast height (dbh)) located at the well location and one isolated Douglas fir (*Pseudotsuga menziesii*) (20-inch dbh) located within the alignment and well house area. The understory beneath both trees has been used for storage and/or dirt piles. There is no shrub understory or native groundcover beneath them, as they are located in the O & M yard. *See Exhibit 3.*

Existing well and service lines:

Additional project elements are associated with the existing well located on BLM property. Metro manages BLM property pursuant to a recreational lease and obtained approval from the BLM for the waterline improvement project. See Exhibit 10. The existing well and well house will continue to provide service to the other areas of the park, as it currently does. The project proposes 1) a small water storage tank needed to achieve required fire flows, 2) water lines will be replaced from the existing well house, along the path of the existing water lines, to all the facilities currently served –extending from Happy Creek Day Use area, to the campground, and 3) replacing and installing additional fire department required standpipes as spaced locations along the water line.

The existing well house and associated facilities are in a cleared area and surrounded by a compacted gravel yard area. See Exhibit 16. The well house is accessed from SE Oxbow Park Road. To achieve required fire flows, a small (8 feet in diameter x 6 feet tall), low profile, above ground water storage tank is needed. The water tank will be located on a 10 x 10 concrete pad in the area of an existing concrete pad (where the picnic table appears in the Exhibit 16 photo), within the cleared compacted gravel yard area, adjacent to the well house. See Exhibit 3. The water tank is located to allow continued and needed access for equipment to maintain the well facilities located behind the well house. The well pump emergency backup needs will be supported by small generator located on a 4.5ft by 9 ft. concrete pad outside the well house. No clearing is proposed. The existing well house and tank are buffered from SE Oxbow Park Road by existing trees and vegetation. See Exhibit 3 and 16.

Metro has worked closely with the Gresham Fire Department to ensure the new water system can support fire department services provided to the park.

In sum, the subject water system improvement project application is intended to, and necessary for, public health, safety, and the quality of visitor recreational use of the park and its unique destinations. The existing system is past its service life and must be replaced. The alignment and project have been designed to minimize impacts to the natural resources by proposing work in existing disturbed, cleared, and developed areas, including within and under the park road right of way. The siting and system alignment minimizes impacts to trees and other natural resources by siting development in existing cleared areas, trenching in graveled areas, and directional drilling. No clearing is proposed. Following installation, ground and road surfaces will be resurfaced and repaved as needed to match existing conditions.

This standard is met.

(C) The use will not:

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

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

Findings: Applicant is not proposing a new use. The community service conditional use is already approved for the park. Applicant is proposing a new accessory element to serve the approved use.

The West of Sandy River analysis area is defined by rural residentially zoned lands, CFU, and EFU lands. Current tax and land use maps depict the area as highly parcelized, irregular, smaller sized lots with residential/related structures the primary use. Parks along the Sandy River are a major recreation attraction.

The rural residentially zoned land to the west and south of 1S4E10 – 400 is located along the ridgeline above the park. The land is separately served by Hosner Terrace Road which dead ends into the subdivision and whose intersection is over ½ mile from the park entrance along Oxbow Parkway. The intent of the rural residential zone is to provide for rural residential development in areas which are not suitable for commercial farm or forest operations because of existing land use patterns of development, small parcel sizes and non-commercial resource use. This land is defined by smaller parcelized properties in residential use with steeply sloped rear yards adjacent to and above the park, whose structures are at a minimum over 150-200 feet above the park access road along the Sandy River. The properties do not appear to be harvested for commercial timber. There is also a large ridgeline separating the Welcome Center area from the properties to the south. For those that are located adjacent to the tail end of lot 400, they are located well above the road and a separated by a steep hillside, as well as being separated by substantial distances.

To the north of tax lot 400 is the YMCA Camp Collins, which manages and uses its property for camp and park purposes. No industrial timber harvesting practices occur on the property.

No farmable or farmed lands are within the surrounding area of the park. EFU lands are south and west of the park, and separated from the park by roads, topography, and residential parcels. The EFU lands are primarily in residential use in association with nursery stock. The EFU land area also supports berry farming; although the acreage dedicated to this crop has been decreasing in favor of nursery stock and nursery relate businesses, such as Christmas trees. In general, the usefulness of a parcel for growing nursery stock depends on sizes and its location relative to other land being farmed by the operator. Farming operations require large investments in equipment and labor, along with drainage and irrigation, that require the operations to locate near each other. There are no irrigated fields in the surrounding area.

Activities associated with the water line replacement project do not impact accepted farming or forest practices occurring on surrounding property. Metro is exercising and providing water to the park pursuant to its water rights. This standard is met.

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

Findings: Oxbow Regional Park does not require public services other than those existing or programmed for the area. The park is not served by public services in the form of public water or public sewer. The property uses are serviced by a private well and onsite sewage deposal systems. The property is served with electricity and other communication utilities. The park is served by public roads. There are no level of service issues associated with the water line replacement and improvement project. This standard is met.

(E) 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;

Findings: The application does not include big game winter habitat area as defined by ODFW. This standard is not applicable or otherwise met.

(F) Will not create hazardous conditions;

Findings: The two hazards that exist in the park are steep slopes and floods. Portions of the property are located within the FEMA 100-year flood plain. See Figure 1 and Exhibit 7. The application acknowledges those hazardous conditions by directing development away from hazardous conditions. The areas of proposed improvements are not identified as a slide hazard area. County code contains provisions relating to flood hazard areas and grading and erosion control that help mitigate and avoid flood and slide hazard areas. Applicant intends to apply for erosion and grading control and flood hazard permits for this project separately, where compliance with all applicable standards will be demonstrated.

The project area is relatively flat and avoids landslide hazard areas. No steep cut or fill is required, and no clearing is proposed. Disturbed soil is proposed to be stabilized as quickly as practicable. This standard is met.

(G) Will satisfy the applicable policies of the Comprehensive Plan;

Findings: Oxbow is an approved Community Service Use and the importance of the park for its recreational value and natural resource protection is recognized by the Comprehensive Plan. The site is within Commercial Forest Use (CFU) zoning district, the purpose of which is to, in part, "...provide for recreational opportunities and other uses which are compatible with forest use... (MCC 39.4050(A)).

Chapter 8 of the Comprehensive Plan provides the following policies and strategies:

"Policies and Strategies Applicable County-wide: The policies in this section focus on coordination with other agencies in planning for and providing recreational facilities and services and with balancing recreational needs with goals for natural resource protection...

8.1 Support efforts of the Intertwine Alliance, Metro, and other organizations in establishing a coordinated approach to create and maintain a strong, interconnected regional network of parks, trails, and natural areas.

8.2 Encourage the development of recreation opportunities by public agencies and private entities consistent with wildlife habitat and wildlife corridor protection.

...

West of Sandy Policies and Strategies:

8.11 Support upgrades and improvements to Oxbow Park consistent with the character of the surrounding area.

...

The County's Comprehensive Plan anticipates the need for upgrades and improvements at the park. The water system replacement and improvement projects are the types of upgrades and improvements contemplated by Chapter 8 Policies. The proposed project was designed to protect

the natural resource while maintaining and enhancing recreational value of the Sandy River and Oxbow Regional Park. This standard is met.

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

Findings: Applicant has demonstrated compliance with all applicable approval criteria.

(I) In the West of Sandy River Rural Planning Area, the use is limited in type and scale to primarily serve the needs of the rural area.

Findings: Applicant is not proposing a new use. The community service conditional use is already approved for the park. Applicant is proposing a new accessory element to serve the approved use. The water line replacement project is replacing existing water service facilities at the park. The project is needed to continue to provide safe, quality, potable water and fire protection services for the park and recreational users.

§ 39.7520 USES.

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.

(5) Park, playground, sports area, golf course or recreational use of a similar nature.

...

(19) Accessory uses to the above.

Findings: Applicant is not proposing a new use. The community service conditional use is already approved for the park. Applicant is proposing a new accessory element to serve the approved use. Staff indicated that certain elements of the project trigger review as an amendment to the existing approved community service conditional use. This standard is met.

(C) Approval of a Community Service Use shall be deemed to authorize associated public utilities to serve the site, including energy and communication facilities.

Findings: Applicant is not proposing a new use. The community service conditional use is already approved for the park. Applicant is proposing a new accessory element to serve the approved use. The park is served by public utilities, including energy and communication facilities. This standard is met.

§ 39.7525 RESTRICTIONS.

A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:

(A) Minimum yards in EFU, CFU (Note – not applicable to CFU-1 through CFU-5), MUA20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, UF-20, MUF, SRC, and RC base zones:

(1) Front yards shall be 30 feet.

(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.

(3) Rear yards shall be as required in the base zone.

Findings: With respect to the proposed prefabricated well house; the structure's front yard exceeds 30 feet, the rear yard exceed 130 feet, and the side yards exceed 1000 feet. See Exhibit 3. This standard is met.

(D) Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600.

Findings: No structure requiring parking is proposed. These standards are not applicable.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 39.6700 through 39.6820.

Findings: No signs are proposed. These standards are not applicable.

(G) Other minimum yards, restrictions or limitations of use or development not required under this subsection shall be as provided in the base zone.

Findings: Applicant has demonstrated compliance with all applicable standards.

D. Significant Environmental Concern Permits

§ 39.5500 PURPOSES

The purposes of the Significant Environmental Concern Overlay Zone subdistrict are to protect, conserve, enhance, restore, and maintain significant natural features which are of public value, including among other things, river and stream corridors, streams, lakes and islands, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

Findings: The application proposes work which is necessary for public health and safety while further protecting wildlife resources. The subject application proposes necessary utility and public health improvements to support public access and use of the park. The location for the proposed water service improvement was also selected to minimize any disturbances to SEC resources. Although not an applicable approval criteria, this application promotes the above SEC purpose statement.

§ 39.5505 AREA AFFECTED

(A) Except as otherwise provided in MCC 39.5510 or MCC 39.5515, the SEC shall apply to those lands designated SEC on the Multnomah County Zoning Map consisting of the following resource area designations: