#### Department of Community Services Land Use Planning Division www.multco.us/landuse



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

## NOTICE OF DECISION

**Case File:** T2-2021-15262

**Permit:** Application for Significant Environmental Concern for Scenic Waterways (SEC-sw),

Water Resources (SEC-wr), and Wildlife Habitat (SEC-h) permits, and Limited

Design Review

**Applicant:** Gary Shepherd **Owner:** Metro

**Location:** Address: 3010 SW Oxbow Park Road Map, Tax Lot: 1S4E10 - 00800

Alternate Account #: R994100580 Property ID #: R506905

**Base Zone:** Commercial Forest Use (CFU)

**Overlays:** Significant Environmental Concern for Scenic Waterways (SEC-sw); Significant

Environmental Concern for Water Resources (SEC-wr); Significant Environmental Concern for Wildlife Habitat (SEC-h); Geologic Hazards (GH); Flood Hazard (FH)

**Proposal** Metro proposes to construct a two-space ADA accessible parking pad and sitting area

**Summary:** adjacent to the boat launch at Oxbow Regional Park.

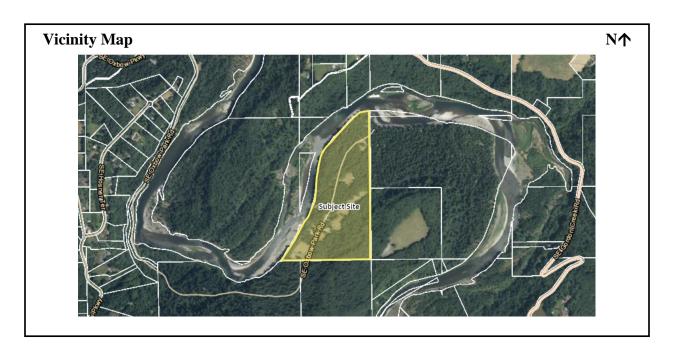
**Decision:** Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, June 08, 2022 at 4:00 pm.

**Opportunity to Review the Record**: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting Chris Liu via email at *chris.liu@multco.us*. Copies of all documents are available at the rate of \$0.40/per page.

**Opportunity to Appeal**: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at (503) 988-3043. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by:	
By:	Chris Liu, Planner
For:	Carol Johnson, AICP Planning Director
Date:	Wednesday, May 25, 2022



#### **Applicable Approval Criteria** [Multnomah County Code (MCC)]:

<u>General Provisions</u>: MCC 39.1515 Code Compliance and Applications, MCC 39.3005 Lot of Record – Generally, MCC 39.3010 Lot of Record - CFU, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

<u>Commercial Forest Use (CFU) Zone</u>: MCC 39.4080(A) Conditional Uses – Community Service Uses (T3-2015-3903), MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones

<u>Significant Environmental Concern</u>: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5600 Criteria for Approval of SEC-sw permit, MCC 39.5860 Criteria for Approval of SEC-wr permit, MCC 39.5860 Criteria for Approval of SEC-h permit

<u>Design Review</u>: MCC 39.6745(D)(1) Directional Signs, MCC 39.6805 Directional Signs, MCC 39.8020(A) & (D) Application of Regulations, MCC 39.8040 Design Review Criteria (A)(1)(a), (1)(c), (4), and (7)

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <a href="https://multco.us/landuse/zoning-codes/">https://multco.us/landuse/zoning-codes/</a> under the link: Chapter 39 - Zoning Code

#### **Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It

shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

- 2. Permit Expiration This land use permit shall **expire** as follows:
  - a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
    - i. For the purposes of 2.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
    - ii. For purposes of Condition 2.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
  - b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
    - i. For the purposes of 2.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
    - ii. For purposes of Condition 2.b.i, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to *land.use.planning@multco.us*. [MCC 39.1185]

**Note**: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

- 2. Prior to land use sign-off for zoning review approval, the property owners or their representative shall:
  - a. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to *land.use.planning@multco.us*. [MCC 39.1170(A) & (B)]
  - b. Mitigation Plan The property owners shall provide the County with a copy of the Mitigation Plan (which includes the revegetation / planting site plan and nuisance-plant removal details) for the mitigation area identified in the natural resources assessment (Exhibit A.9). Once the County returns the Mitigation Plan, the property owners shall:
    - i. Record [in the deed records of Multnomah County] the mitigation plan and a deed restriction on the property where the mitigation is required that protects the mitigation area in perpetuity. The deed restriction shall be irrevocable unless an authorized representative of Multnomah County signs a statement of release. [MCC 39.5800(F)(2)(g)]
    - ii. Complete the compensatory mitigation prior to the initiation of development where possible. [MCC 39.5800(F)(2)(f)]

- c. Obtain an Erosion and Sediment Control permit for all proposed ground disturbing activity associated with the project. [MCC 39.6210 and 39.6225]
- d. If any exterior lighting is proposed, provide lighting details demonstrating that the proposed exterior lighting complies with MCC 39.6850 [Dark Sky Lighting Standards] and MCC 39.5560(B).
- 3. Prior to and during construction, the property owner or their representative shall ensure that:
  - a. Flag or otherwise mark the Water Resource Area, which shall remain undisturbed during construction. The markings shall be maintained until construction is complete. [MCC 39.5800(E)(7)]
  - b. Mark all work areas to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment. [MCC 39.5800(E)(5)]
  - c. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. [MCC 39.5800(E)(6)]
- 4. As an on-going condition, the property owner shall:
  - a. Establish and maintain the primary fire safety zone around the project area. For any nonconforming Forest Practice setback of less than 30 feet to property lines as of May 21, 2011 the primary fire safety zone is required to the full extent of the nonconforming Forest Practice setback as it existed on August 26, 2006. [MCC 39.4110]
  - b. Comply with all Oregon Parks and Recreation Dept. requirements outlined in the July 15, 2021 letter (Exhibit A.7):
    - i. The activity shall be in conformance with the plans submitted. Any substantial changes may require a new notification.
    - ii. Vegetation between the structures and the river shall be maintained. Any removed trees will be replaced in kind to improve screening of development in the area and additional native plantings will replace the vegetation lost due to the construction footprint.
    - iii. The viewing bench will be designed to blend with the natural character of the landscape.
    - iv. Erosion control measures shall be used to ensure no soil is left exposed after the project is completed.
    - v. Debris, silt, chemicals, or other materials will not be discharged into or allowed to reach the waters within the Sandy River Scenic Waterway.
    - vi. The project shall begin within one year (by July 2022). If , due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion.

#### Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

#### **Findings of Fact**

**FINDINGS**: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as '**Staff**:' and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

#### 1.0 Project Description:

**Staff**: Metro proposes to construct a two-space ADA accessible parking pad and seating area adjacent to the boat launch at Oxbow Regional Park. The boat launch is downhill from the parking area and restrooms that generally serve the boat launch area. Due to the slope and elevation difference between the existing parking area and the boat launch area, an ADA compliant access path is not currently available.

In addition to the two parking spaces, Metro will construct a short paved 4 ft. wide trail from the ADA parking pad to a viewpoint of the Sandy River. Metro will install a new accessible bench and companion seating area at the viewpoint. Land clearing necessary for the project is approximately 2,890 sq. ft. Grading is limited to matching the existing grade of the boat ramp.

#### 2.0 Property Description:

**Staff**: The subject property is a part of Metro's Oxbow Regional Park, located in East unincorporated Multnomah County adjacent to the Sandy River. A number of public recreation amenities including picnic areas, a boat launch, and campground are available at the park. Significant Environmental Concern for Scenic Waterways (SEC-sw); Significant Environmental Concern for Water Resources (SEC-wr); Significant Environmental Concern for Wildlife Habitat (SEC-h); Geologic Hazards (GH); and Flood Hazard (FH) overlays cover the subject property.

#### 3.0 Public Comment:

**Staff**: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 (Exhibit C.2). Staff received the following public comments during the 14-day comment period.

Len Otto, a community member and Oxbow Park user, provided comments via e-mail on 03.28.2022 (Exhibit D.1)

**Staff**: Otto discusses various requirements of the ADA Act. They state that they do not believe Metro currently meets ADA requirements at Oxbow Park. They state that they believe the proposed ADA parking is good and that the proposal would be a first step in bringing Metro into compliance with ADA requirements.

Otto's comments are noted.

#### 4.0 General Provisions:

#### 4.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

- (A) A permit or other approval, including building permit applications, may be authorized if:
  - (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
  - (2) It is necessary to protect public safety; or
  - (3) It is for work related to and within a valid easement over, on or under an affected property.

\* \* \*

**Staff**: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met*.

#### 4.2 MCC 39.3005 LOT OF RECORD – GENERALLY

- (A) An area of land is a "Lot of Record" if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.
- (B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or

complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

\* \* \*

#### MCC 39.3010 LOT OF RECORD – COMMERCIAL FOREST USE (CFU)

- (A) In addition to the standards in MCC 39.3005, for purposes of the CFU district, a Lot of Record is either:
  - (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or
  - (2) A group of contiguous parcels or lots:
    - (a) Which were held under the same ownership on February 20, 1990; and
    - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

\* \* \*

**Staff**: The County confirmed the Lot of Record status of all lots and parcels associated with Oxbow Regional Park in land use case no. T3-2015-3903. As evidenced by the property deed (Exhibit A.4), the subject property remains in the same configuration. Therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met*.

#### 4.3 MCC 39.6235 STORMWATER DRAINAGE CONTROL

- (A) Persons creating new or replacing existing impervious surfaces exceeding 500 square feet shall install a stormwater drainage system as provided in this section. This subsection (A) does not apply to shingle or roof replacement on lawful structures.
- (B) The provisions of this section are in addition to and not in lieu of any other provision of the code regulating stormwater or its drainage and other impacts and effects, including but not limited to regulation thereof in the SEC overlay.

\* \* \*

- (D) The stormwater drainage system required in subsection (A) shall be designed to ensure that the rate of runoff for the 10-year 24-hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a water body.
- (E) At a minimum, to establish satisfaction of the standards in this section and all other applicable stormwater-related regulations in this code, the following information must be provided to the planning director:

\* \* \*

**Staff**: The applicant provide a stormwater drainage control certificate and supporting documents from Kelli Grover, PE (Exhibits A.11 and A.15). According to Grover, the natural infiltration process satisfies the above requirements. *Criteria met*.

#### 4.4 MCC 39.6850 DARK SKY LIGHTING STANDARDS

\* \* \*

- (C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.
  - (1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.
  - (2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

**Staff**: There is no exterior lighting included in the proposal. If the applicant proposes to add exterior lighting during the plan review phase, all proposed exterior lighting must comply with the Dark Sky Lighting Standards. A condition of approval requires compliance with the above requirements. *As conditioned, the above criteria can be met*.

#### 5.0 Commercial Forest Use Zone Criteria:

#### 5.1 MCC 39.4080(A) CONDITIONAL USES – COMMUNITY SERVICE USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

- (A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110, MCC 39.4115, and MCC 39.7500 through MCC 39.7525. For purposes of this Section, the applicable criteria of MCC 39.7515 shall be limited to Subsections (A) through (H) of that Section.
  - (1) Private park and private campground. In addition to the approval standards listed in MCC 39.4080(A) above, a private campground shall be subject to the following:

\* \* \*

**Staff**: Land Use Case no. T3-2015-3903 is the most recent Community Service Conditional Use permit associated with Oxbow Regional Park. The park is currently an authorized Community Service Conditional Use. *Criteria met*.

#### 5.2 MCC 39.4110 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest	Fire Safety Zones		
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Addition to an existing structure	Nonconforming setback(s) of less than 30 ft. to property lines that existed as of May 21, 2011 may be maintained	30	30	Primary is required, except that if there was a nonconforming Forest Practice setback of less than 30 feet to property lines as of May 21, 2011, Primary is required to the full extent of the nonconforming Forest Practice setback as it existed on August 26, 2006.

**Staff**: The closest apparent match for the 'description of use and location' [in the forest practices setbacks and fire safety zones table, 'Table 1', in MCC 39.4110] for the project is in the table above. As proposed, the project can be viewed as an extension of the boat launch area, which is adjacent to the Sandy River. Based on this view, the project would meet existing setbacks of less than 30 ft. and the primary fire safety zone would be required to the full extent of the existing setback.

- (A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.
- (B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.
- (C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

**Staff**: No reduction to the required forest practices setbacks is requested. A secondary fire safety zone is not required. The County Road Official did not indicate the need for additional setback requirements (Exhibit A.14). *Criteria met*.

(D) Fire Safety Zones on the Subject Tract.

\* \* \*

- (4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.
- (5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

**Staff**: The above requirements are included as conditions of approval. *As conditioned, the above criteria can be met.* 

#### **6.0** Significant Environmental Concern Criteria:

#### 6.1 MCC 39.5510 USES; SEC PERMIT REQUIRED

- (A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.
- (B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

**Staff**: The proposed project is part of the authorized community service conditional use [Oxbow Regional Park] in the CFU zone. A SEC-wr, SEC-sw, and SEC-h permit are required. Metro does not propose to excavate or remove any materials of archaeological, historical, prehistorical, or anthropological nature. A cultural resources survey of the park found no evidence of cultural resources in the park (Exhibit A.8). *Criteria met*.

#### 6.2 MCC 39.5520 APPLICATION INFORMATION REQUIRED

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

- (A) An application for an SEC permit shall include the following:
  - (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.

\* \* \*

**Staff**: The applicant provided the required materials in Exhibits A.2 – A.15. *Criteria met*.

#### 6.3 MCC 39.5600 CRITERIA FOR APPROVAL OF SEC-SW PERMIT

Except as otherwise provided in this Subpart, all development within the SEC-sw shall be subject to the following:

(A) The application for the SEC-sw permit shall include a letter from the Oregon Parks and Recreation Department indicating that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

**Staff**: A letter from the State of Oregon Parks and Recreation Dept. indicates that the proposal is consistent with the Oregon Scenic Waterways Management Plan (Exhibit A.7). The letter included conditions of approval, which are included as conditions of approval in this decision. *As conditioned, the above criteria are met*.

(B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

**Staff**: Existing vegetation will remain, except for three live trees and one dead tree that need to be removed to install the parking pads. According to the applicant, the trees that need to be removed do not serve any screening function. The existing conditions plan and the preliminary site plan (Exhibit A.6), show that the applicant designed the improvements to maintain the maximum possible vegetation between the project area and the river. *Criterion met*.

- (C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- (D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

**Staff**: Oxbow Regional Park is an authorized community service conditional use in the CFU zone. The proposal provides necessary [ADA] access and safety improvements to support public use of Oxbow Regional Park. Three live trees and one dead tree need to be removed to site the proposed improvements; however, the applicant notes that the trees serve no screening function. The existing conditions plan and the preliminary site plan (Exhibit A.6), show that the applicant located the improvements to limit disturbance and preserve as much of the SEC areas in their existing form. *Criteria met*.

(E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion

**Staff**: The applicant notes that the proposed location for the improvements is the only safe location that can accommodate the ADA compliant parking and serve the boat launch area. All proposed work is above the ordinary high water mark and within a developed / disturbed landscape, currently used as a picnic area.

The applicant notes that there is no ground surface to place additional trees between the proposed ADA parking area and the river. The natural resources assessment and preliminary plans (Exhibit A.9 and A.6) show all other existing vegetation along the river is in good condition and will remain undisturbed. Tree protection fencing will be installed and maintained to protect trees in the construction area vicinity. *Criterion met*.

(F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

**Staff**: According to the cultural resource survey (Exhibit A.8), no known cultural resources have been recorded for Oxbow Regional Park. *Criterion met*.

(G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

**Staff**: Best management practices are proposed to limit disturbance to areas adjacent to the proposed development area. According to the grading and erosion control plan (Exhibit A.6), the project will use temporary sediment fencing and tree protection fencing. *Criterion met*.

- (H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.
- (I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

**Staff**: Wooden materials are proposed for the small bench at the end of the accessible path from the proposed ADA parking area. No buildings are included in the proposal. The subject property is not recognized as fragile or endangered plant habitat. *Criteria met*.

6.4 MCC 39.5560 GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER PLANNING AREA DESIGNATED AS SEC-WR OR SEC-H.

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas located in the West of Sandy River Planning Area in addition to the provisions of MCC 39.5800 or 39.5860 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

**Staff**: Best management practices are proposed to limit disturbance to areas adjacent to the proposed development area. According to the grading and erosion control plan (Exhibit A.6), the project will use temporary sediment fencing and tree protection fencing. *Criteria met*.

- (B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.
- (C) The nuisance plants in MCC 39.5580 Table 1, in addition to the nuisance plants defined in MCC 39.2000, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone.

**Staff**: There is no exterior lighting associated with the project. The landscape plantings proposal does not include any nuisance plants (Exhibit A.9). A condition of approval requires the applicant submit a landscaping plan for the mitigation area, where staff will verify compliance with the above criteria. As conditioned, the above criteria can be met.

#### 6.5 MCC 39.5800 CRITERIA FOR APPROVAL OF SEC-WR PERMIT

(A) Except for the exempt uses listed in MCC 39.5515 and the existing uses pursuant to MCC 39.5550, no development shall be allowed within a Water Resource Area unless the provisions of subsections (B) or (C) or (D) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC 39.5520(A) and (C), and meets the general requirements in MCC 39.5560.

\* \* \*

- (C) Alternatives Analysis Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this Overlay including the Development Standards of subsection (E) and the provisions for Mitigation in subsection (F) are met. The applicant shall prepare an alternatives analysis which demonstrates that:
  - (1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and

**Staff**: A site analysis is included in the natural resource assessment conducted by Pacific Habitat Services. The applicant's team notes that the existing boat launch area consists of a large asphalt drive, trailhead, boat ramp, picnic area, and riverbank. Metro considered two alternative design options for the project: Upland from the proposed project area, and the proposed project area with a smaller footprint.

The upland area contains steeper slopes, which [if developed] would require a significant amount of cut and fill. The smaller footprint option would require ADA users to back out of the parking spaces. Given the high amount of foot traffic, boaters, kayakers, other users in the area, visibility limitations and concerns created an impractical situation. As proposed, the applicant notes that a small hammerhead design allows users to exit in a forward direction.

As the applicant notes, the proposal represents a safe and practical alternative to other options and limits the amount of grading. While the project involves disturbance in the water resource area, staff agrees that there are no practicable alternatives to provide the identified ADA improvements for the boat launch area. *Criterion met*.

- (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;
- (3) Development shall occur as far as practically possible from the stream; and

**Staff**: As shown in the existing conditions plan, the project site is a disturbed and heavily used area of the park. The project site currently contains compact gravel and soil, as well as picnic structures. As shown in the preliminary plans, the development is limited to the area necessary to construct the improvements and does not intrude further towards the river. The parking pads will tie directly into the existing asphalt serving the boat launch area. *Criteria met*.

- (4) The Water Resource Area can be restored to an equal or better condition; or
- (5) Any net loss on the property of resource area, function and/or value can be mitigated.

**Staff**: The project involves 2,890 sq. ft. of marginal condition habitat. To compensate for the development, off site mitigation within a "poor condition" area within the SEC-wr will be restored at a 2:1 ratio to "good" condition. The proposed mitigation involves planting native trees, shrubs, and herbaceous plants (Exhibit A.9). Through the proposed compensatory mitigation, the project results in an overall improvement of the SEC-wr. *Criteria met*.

6.6 \* \* \*

- (E) Development Standards- Development within the Water Resource Area shall comply with the following standards:
  - (1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.

**Staff**: The project involves ADA access and safety improvements, which will enhance the experience and enjoyment of the park / boat launch area by ADA users. Currently, the project area is a heavily used and disturbed area of the park. Disturbance to the project area is limited to that which is necessary for construction of the improvements. Through compensatory mitigation in an off-site area within the park and within the SEC-wr, the project results in an overall improvement of the SEC-wr. *Criterion met*.

- (2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.
- (3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

**Staff**: The applicant is not proposing to develop in an area of dense standing trees. Three live trees and one dead tree will be removed according to the preliminary plans. Following the removal of the four trees, more than 50% of the mature standing trees will remain. The project is located in a disturbed area, with trees that are "scattered". No vegetation along the Sandy River will be disturbed or removed. The existing canopy in other areas of the Oxbow Regional Park will be undisturbed and continue to serve wildlife in the area. *Criteria met*.

(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to subsection (F) below and the specifications in Table 2 of this section.

**Staff**: According to the natural resource assessment (Exhibit A.9), the Water Resource Area adjacent to the project site is in "good condition". The mitigation plan, described in section 6.7 below, restores the mitigation site (located in another area of the park and within the SEC-wr) to "good condition" and includes a maintenance aspect. *Criterion met*.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

**Staff**: According to the preliminary plans, the applicant will implement best management practices to limit disturbances to areas adjacent to the work site. Fencing to protect trees will be installed and equipment access areas will be flagged to reduce potential damage to the Water Resource Area. A condition of approval requires compliance with this criterion. As conditioned, this criterion can be met.

(6) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in MCC 39.5580 Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

**Staff**: According to the preliminary plans, disturbed areas will be revegetated, with soil along new edges of the forest mulched or seeded with native groundcover. The applicant indicates they will remove nuisance plants in the area and revegetation will begin immediately following construction activities. A condition of approval requires compliance with this criterion. *As conditioned, this criterion can be met*.

(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this Overlay. Such markings shall be maintained until construction is complete.

**Staff**: The applicant notes that they will mark the Water Resource Area prior to construction. A condition of approval requires compliance with this criterion. *As conditioned, this criterion can be met.* 

- (8) Stormwater quantity control and quality control facilities:
  - (a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.
  - (b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and
  - (c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

**Staff**: According to the stormwater certificate and report completed by Kelli Grover, PE, natural infiltration will contain any stormwater runoff generated by the development (Exhibit

- A.11 and A.15). Therefore, no stormwater quanity and quality control facility is necessary or proposed. *Criteria met*.
- 6.7 (F) Mitigation Mitigation shall be required to offset the impacts of development within the SEC-wr. This subsection section establishes how mitigation can occur.
  - (1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

\* \* \*

(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.

\* \* \*

(b) The following ratios apply to the creation or restoration of natural resource areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

Creation (off-site) 2:1

\* \* \*

- (c) Only marginal or degraded water resource areas as described in Table 2 of this section may be the subject of a restoration project proposed as part of a Mitigation Plan.
- (d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

\* \* \*

**Staff**: According to the mitigation plan in the natural resources assessment (Exhibit A.9), the proposed mitigation plan minimizes impacts by limiting disturbance to the construction area and provides compensatory mitigation. The proposed 5,780 sq. ft. mitigation area is located in another area of the park adjacent to the Sandy River that previously served as an amphitheater. As the project area disturbs 2,890 sq. ft., the proposed compensatory mitigation satisfies the 2:1 ratio outlined in (2)(b) above.

According to the natural resources assessment, the old amphitheater area has a habitat condition of "poor". The proposal calls for the removal of existing benches and preparing the soil for the planting of native trees, shrubs, and ground cover. Through the proposed compensatory mitigation, the habitat condition will be improved to "good". *Criteria met*.

(f) Compensation shall be completed prior to initiation of development where possible.

(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

**Staff**: The requirements of (f) and (g) above are included as conditions of approval for this decision. *As conditioned, the above criteria can be met*.

- (3) Mitigation Plan Standards Natural resource mitigation plans shall contain the following information:
  - (a) A description of adverse impacts that could be caused as a result of development.
  - (b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.
  - (c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
  - (d) A map drawn to scale, showing where the specific mitigation activities will occur.
  - (e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All instream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

**Staff**: The natural resources assessment describes the proposed compensatory mitigation for the impacts associated with the project and includes the required map (Exhibit A.9). Metro does not have a contractor selected, as the public procurement process will need to occur. Hence, the implementation schedule is not yet set. As a condition of approval, the applicant will be required to provide a mitigation plan (site plan with planting / revegetation / nuisance-plant removal details) prior to building plan check. Staff will verify that the mitigation plan complies with (3)(a) - (3)(e) above and with all other relevant requirements of MCC 39.5800. As conditioned, the above criteria can be met.

#### 6.8 MCC 39.5860 Criteria for Approval of SEC-h permit

(A) In addition to the information required by MCC 39.5520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

\* \* \*

**Staff**: The applicant provided the required information in Exhibits A.2 – A.15. *Criteria met*.

#### **6.9 (B)** Development standards:

- (1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.
- (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.
- (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

**Staff**: According to the preliminary site plan (Exhibit A.6), the proposed improvements are within an existing "cleared" area associated with the boat launch area. Three dispersed trees and one dead tree in the area will be removed to accommodate the development. The proposed development is adjacent to SE Oxbow Park Road, which provides public access through the park. Land use case T3-2015-3903 determined that the road network serving Oxbow Regional Park facilities and services is a "public road" as required by this subsection. *Criteria met*.

- (4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:
  - (a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or
  - (b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

\* \* \*

**Staff**: The existing public road serving the park will provide access to the proposed improvements. No new access road or driveway approaches are proposed. According to the applicant, the current park circumstances do not represent (a) and (b) above. However, the applicant indicates that the standard is met or otherwise not applicable. The applicant elected to provide a mitigation plan and address the wildlife conservation plan requirements as discussed below.

- (5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.
- (6) Fencing within a required setback from a public road shall meet the following criteria:

\* \* \*

(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

**Staff**: Metro owns the adjacent properties that combine with the subject property to form Oxbow Regional Park. The proposal does not include any new fencing within a required setback from a County right-of-way (Exhibit A.6). The proposal does not include the planting of any nuisance plants. According to the applicant, any nuisance plant species observed will be removed. *Criteria met*.

- 6.10 (C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.
  - (1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or
  - (2) The applicant can meet the development standards of subsection (B), but demonstrates that the alternative conservation measures exceed the standards of subsection (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in subsection (B).

**Staff**: According to the applicant's narrative, they understand that they comply with the development standards of subsection (B). However, the applicant proposes a mitigation plan [designed by Pacific Habitat Services] that they believe is consistent with the wildlife conservation plan standards. Staff discusses the relevant wildlife conservation plan requirements below.

- (3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:
  - (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

**Staff**: According to the applicant, the locations for the proposed improvements were selected due to existing disturbance and use within the park. Additional disturbance to the surrounding areas is limited to the minimum necessary for construction. The applicant will use best management practices during construction and equipment access areas will be flagged to prevent encroachment into the water resource areas (Exhibit A.3, p.30). *Criterion met*.

- (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.
- (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

**Staff**: The proposal does not include the creation of any newly "cleared" areas. No fencing is included in the proposal.

- (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.
- (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

**Staff**: Proposed mitigation is located in the riparian vegetated corridor of the Sandy River (Exhibit A.9, p.15). The mitigation site consist of 5,780 sq. ft. and is a 2:1 ratio given the 2,890 sq. ft. of impacted vegetated corridor resources. As the mitigation site previously served as an open amphitheater, existing benches will be removed and soils will be prepared for planting as needed. Native trees and shrubs, as well as native groundcover will improve the habitat. *Criteria met*.

(4) For a property meeting subsection (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

\* \* \*

**Staff**: The proposal does not include an addition. *These criteria are not applicable*.

- (5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:
- 6) For Protected Aggregate and Mineral (PAM) resources within a PAM Overlay, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

**Staff**: The applicant addressed the criteria in subsection (C)(3) above. The proposal is not within a PAM overlay. *Criteria met*.

#### 7.0 Design Review Criteria:

- **7.1** MCC 39.6745(D)(1) Directional Signs
  - (D) Additional Signs Allowed. In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all base zones for all usages:
    - (1) Directional signs pursuant to MCC 39.6805.

MCC 39.6805 Directional Signs

Directional signs shall comply with the following provisions:

Maximum	Six Square Feet
Sign Face	
Area:	

Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall
Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet
Extensions into R/W:	Not Allowed
Lighting:	Indirectly illuminated downward onto the sign face

Maximum Sign Face Area:	Six Square Feet
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed
Moving or Rotating Parts:	Not Allowed

**Staff**: The applicant proposes to install (ADA required) directional signs associated with the ADA parking spaces. According to the preliminary plans (Exhibit A.6, p.6), the proposed postmounted signs will be free standing, do not contain lighting, electronic messages, or moving parts. The preliminary plans show three (3) posts, with a maximum of two (2) directional signs mounted to each post. *Criteria met*.

#### 7.2 MCC 39.8020 APPLICATION OF REGULATIONS

- (A) Except those exempted by MCC 39.8015, the provisions of MCC 39.8000 through 39.8050 shall apply to all conditional and community service uses, and to specified uses, in any base zone.
- (B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC 36.8040(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

\* \* \*

**Staff**: As required, the applicant applied for a limited design review addressing MCC 39.8040(A)(1)(a) - (1)(c), (4), and (7). Staff addresses the limited design review criteria below. *Criteria met*.

- 7.3 MCC 39.8040 Design Review Criteria (A)(1)(a) (1)(c), (4), and (7)
  - (A) Approval of a final design review plan shall be based on the following criteria:
    - (l) 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.
      - (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

**Staff**: According to the applicant's narrative, the letter from Oregon Parks and Recreation indicates that the project is consistent with the Oregon Scenic Waterways Act and the Oregon Scenic Waterways Management Plan. No buildings are included in the project and all structures (i.e. the bench) are designed with materials (Exhibit A.6, p.7) that match existing structures within Oxbow Park. According to the preliminary plans, all work is above the ordinary high water mark and within exiting disturbed landscape. Three live trees will be removed to locate the parking pads; however, all other existing vegetation nearby between the Sandy River and project location will remain undisturbed. *Criteria met*.

- (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
- (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.

**Staff**: As noted above, the project area is within an existing disturbed landscape. Additional disturbance associated with the project is limited to that which is necessary for construction activities to place the improvements (Exhibit A.6). According to the preliminary plans, fencing will be used to protect preserved trees adjacent to the construction area along the Sandy River. Three live trees will be removed to install the improvements, but according to the applicant, these trees have no screening function due to their dispersed arrangement. *Criteria met*.

#### 8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern – Scenic Waterways, Significant Environmental Concern – Wildlife Habitat, Significant Environmental Concern – Water Resources, and Limited Design Review to establish the ADA Parking Pad and associated improvements in the CFU zone. This approval is subject to the conditions of approval established in this report.

#### 9.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

Exhibits with a "\* "after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5" x 11" for mailing purposes. All other exhibits are available for review in Case File T2-2021-15262.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	General Application Form & Cover Letter	12.07.2021
A.2	3	Applicant Narrative: Cover Page, Exhibit List, and Project Overview	12.07.2021
A.3	46	Applicant Narrative	12.07.2021
A.4	17	Deed Information	12.07.2021
A.5	3	Site Photos	12.07.2021
A.6*	8	Preliminary Site Plans and Details -1.0 Cover Sheet -2.0 Existing Conditions & Demo Plan -3.0 Composite Site Plan -4.0 Grading & ESC Plan -5.0 ESC Notes & Details -6.0 Details – Parking -7.0 Details – Bench -8.0 Details - Curb	12.07.2021
A.7	1	Letter from Oregon Parks	12.07.2021
A.8	60	Cultural Resources Survey	12.07.2021
A.9	29	Natural Resources Assessment	12.07.2021
A.10	1	FEMA Map	12.07.2021
A.11	8	Stormwater Report	12.07.2021
A.12	4	Summary of Public Comments	12.07.2021
A.13	4	Fire Service Agency Review	12.17.2021
A.14	6	Transportation Planning Review	12.17.2021
'B'	#	Staff Exhibits	Date

B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E10 -00800 (Alt Acct# R994100580)	12.07.2021		
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map for 1S4E10	12.07.2021		
'С'	#	Administration & Procedures	Date		
C.1	1	Complete letter (day 1)	01.06.2022		
C.2	9	Opportunity to Comment	03.15.2022		
C.3	24	Decision	05.25.2022		
'D'	#	Comments	Date		
D.1	2	Comments from Len Otto	03.28.2022		

# ADA PARKING IMPROVEMENTS

# OXBOW REGIONAL PARK 3010 SE OXBOW PARKWAY GRESHAM, OR 97080

## **GENERAL NOTES**

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE APPLICABLE REQUIREMENTS OF THE CURRENT EDITION OF THE MULTNOMAH COUNTY STANDARD BUILDING AND DEVELOPMENT CONSTRUCTION SPECIFICATIONS.

- 2. THE CONTRACTOR SHALL HAVE ON SITE AT ALL TIMES THE APPROVED CONSTRUCTION PLANS & SPECIFICATIONS, AND ALL OTHER APPLICABLE SPECIFICATIONS, BOOKS, AND MANUALS. ELECTRONIC EQUIVALENTS ARE ACCEPTABLE.
- 3. ANY REVISIONS TO THESE PLANS MUST BE REVIEWED AND APPROVED BY THE ENGINEER PRIOR TO ANY IMPLEMENTATION IN THE FIELD.
- 4. THE CONTRACTOR SHALL REESTABLISH ANY SURVEY MONUMENTS DAMAGED OR DESTROYED DURING CONSTRUCTION. SURVEY MONUMENTS SHALL BE REESTABLISHED BY A LICENSED LAND SURVEYOR AT THE CONTRACTORS EXPENSE.
- 5. THE CONTRACTOR SHALL AT ALL TIMES ABIDE BY APPLICABLE SAFETY RULES OF OSHA AND IN PARTICULAR THOSE PERTAINING TO ADEQUATE SHORING AND TRENCH PROTECTION.
- 6. ALL DAMAGE CAUSED BY THE CONTRACTOR SHALL BE RESTORED TO AN "AS GOOD OR BETTER" CONDITION.
- 7. SAWCUT STRAIGHT MATCHLINES TO CREATE A BUTT JOINT BETWEEN THE EXISTING PAVEMENT AND NEW PAVEMENT. SAND SEAL ALL NEW PAVEMENT JOINTS.
- 8. REMOVE ALL MATERIALS EXCAVATED AND DISPOSE ON SITE AS DIRECTED BY PROJECT OWNER.
- 9. USE 3300 PSI CONCRETE FOR ALL WALKWAYS AND DRIVEWAYS PER MULTNOMAH COUNTY STANDARDS

## **GRADING AND PAVING NOTES**

- 1. COMPACT SUBGRADE OF NEW PAVED AND STRUCTURAL FILL AREAS TO ACHIEVE AT LEAST 95% OF THE MAXIMUM DRY DENSITY FOR A 12" DEPTH PER AASHTO T-99. EMBANKMENTS OR FILL AREAS ARE TO BE CONSTRUCTED IN 6" MAXIMUM LIFTS, WITH EACH LIFT BEING COMPACTED TO 95% MAXIMUM OF DENSITY PER AASHTO T-99 PRIOR TO PROCEEDING WITH THE NEXT LIFT. AREAS RECEIVING STRUCTURAL FILL ARE TO BE TESTED BY A QUALIFIED TESTING LAB.
- 2. ALL MATERIALS, INSTALLATION, TEST, AND INSPECTIONS ARE TO BE IN STRICT ACCORDANCE WITH MULTNOMAH COUNTY STANDARDS.
- 3. CLEAR AND GRUB A MINIMUM OF 8" OF ORGANIC MATERIALS UNDER PAVEMENT LOCATIONS.
- 4. THE ABOVE GRADING NOTES ARE A MINIMUM ADDITIONAL MEASURES MAY BE NECESSARY

## **EROSION CONTROL**

1. EROSION/SEDIMENTATION CONTROL (ESC) IS REQUIRED ON THIS PROJECT. IMPLEMENTATION OF THE ESC AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE PERMITTEE OR IT'S AGENT UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED. THE PERMITTEE OR IT'S AGENT SHALL PROVIDE INLET PROTECTION TO DOWNSTREAM INLETS FROM THE SITE PER THE APPLICABLE EROSION CONTROL MANUAL.

## DRAWING INDEX

- 1 COVER SHEET & NOTES
- 2 EXISTING CONDITIONS & DEMO PLAN
- 3 COMPOSITE SITE PLAN
- 4 GRADING & ESC PLAN
- 5 ESC NOTES & DETAILS
- 6 DETAILS PARKING
- 7 DETAILS BENCH
- 8 DETAILS CURB

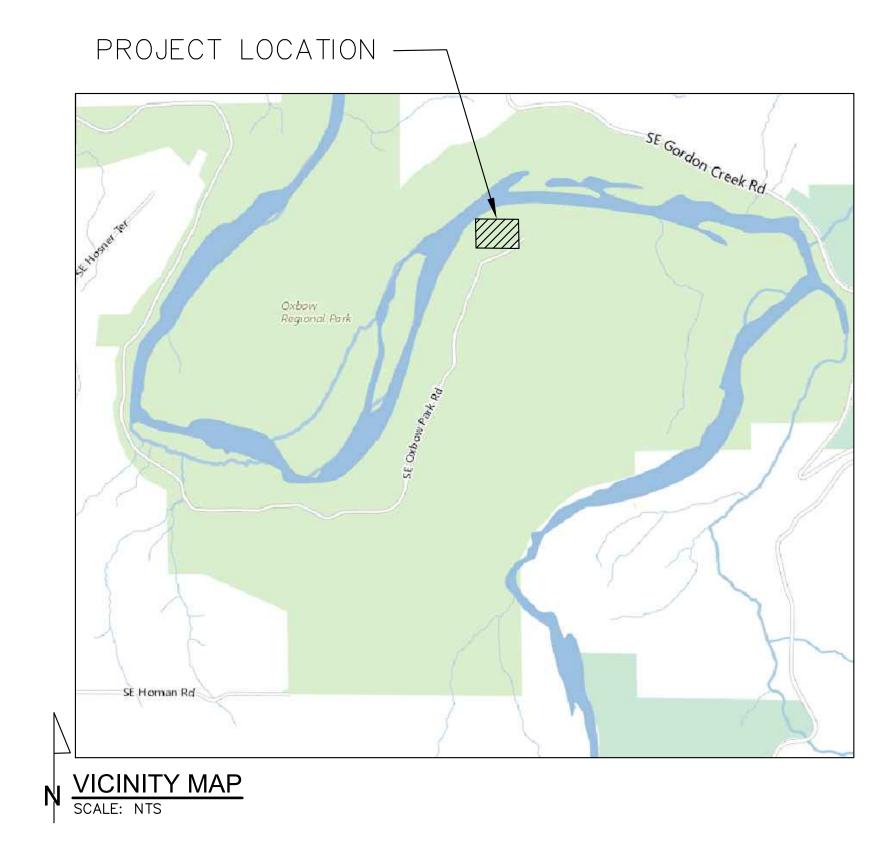
## OWNER CONTACT: METRO

BEN HEDSTROM
SENIOR REGIONAL PLANNER
EMAIL: Ben.Hedstrom@oregonmetro.gov
PHONE: (503) 382-7635

## PROJECT ENGINEER

FIRWOOD DESIGN GROUP, LLC KELLI A. GROVER, P.E. 359 E. HISTORIC COLUMBIA RIVER HWY. TROUTDALE, OR 97060 EMAIL: kg@firwooddesign.com PHONE: (503) 668-3737

## Exhibit 4



CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES ON PRIVATE PROPERTY:

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

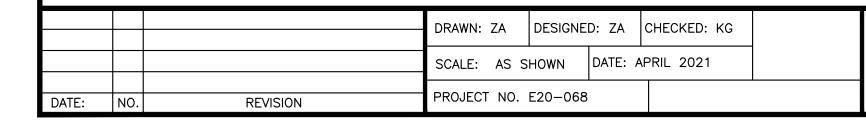
# Dig | Safely.

Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

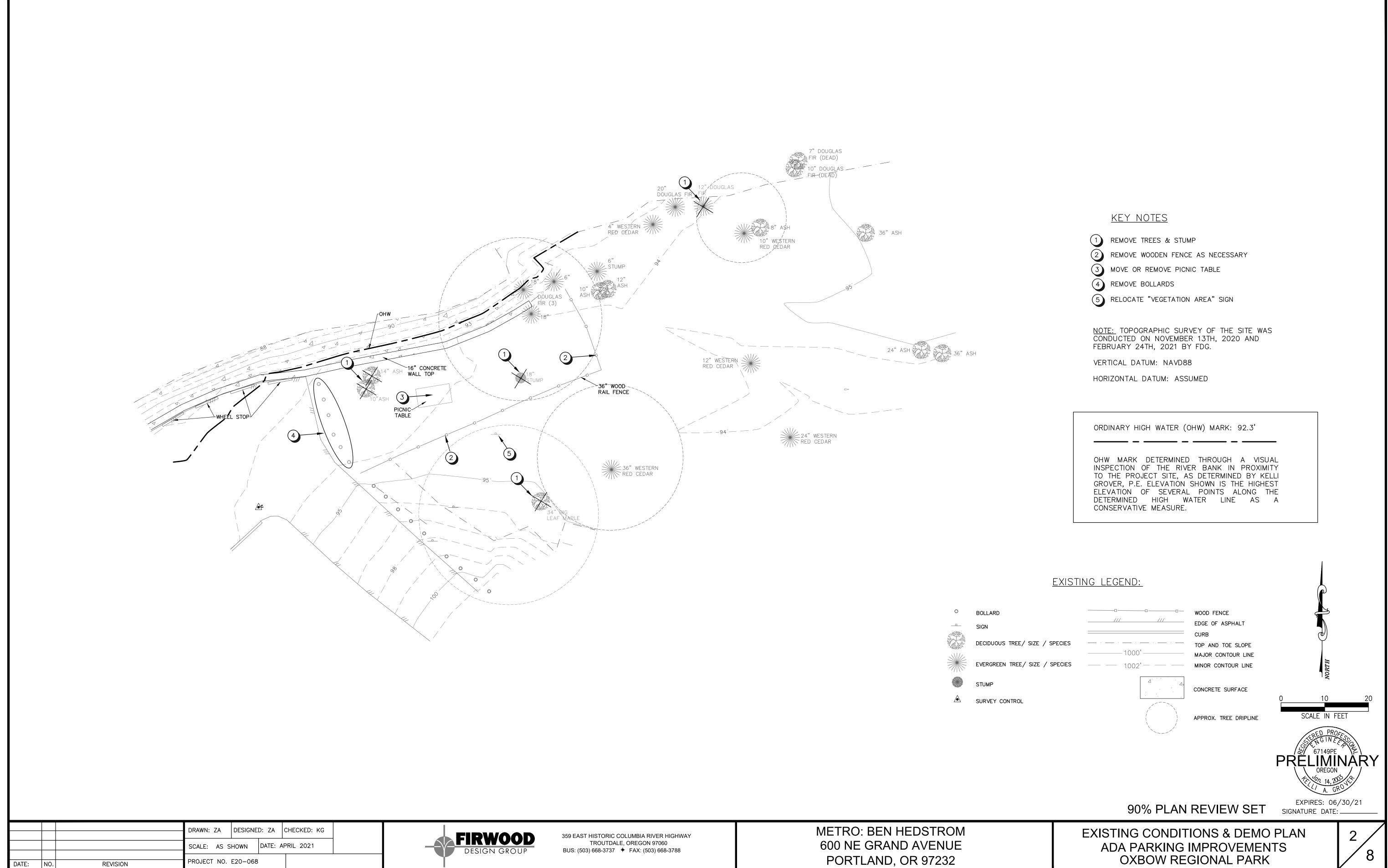


90% PLAN REVIEW SET

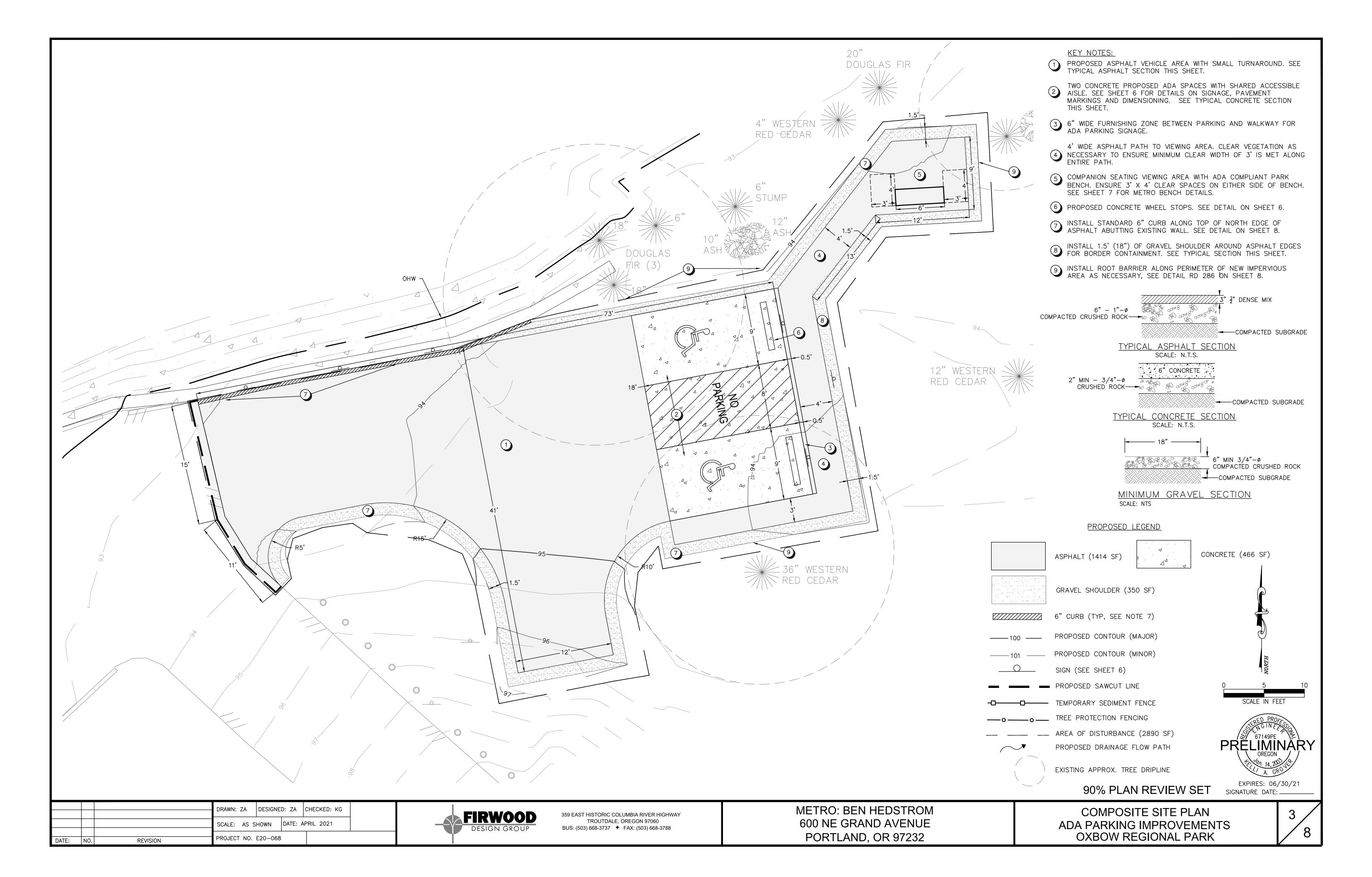
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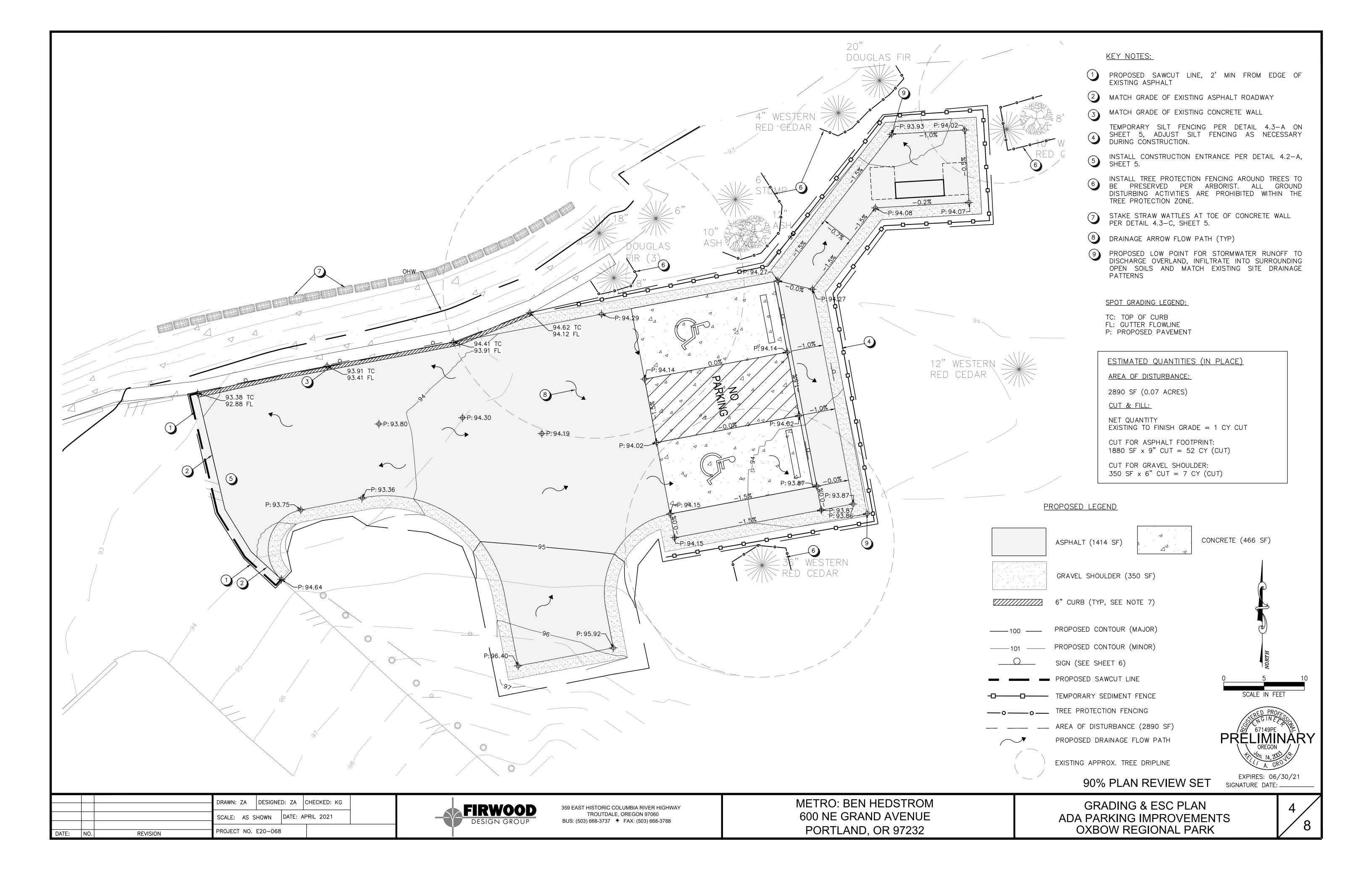






REVISION



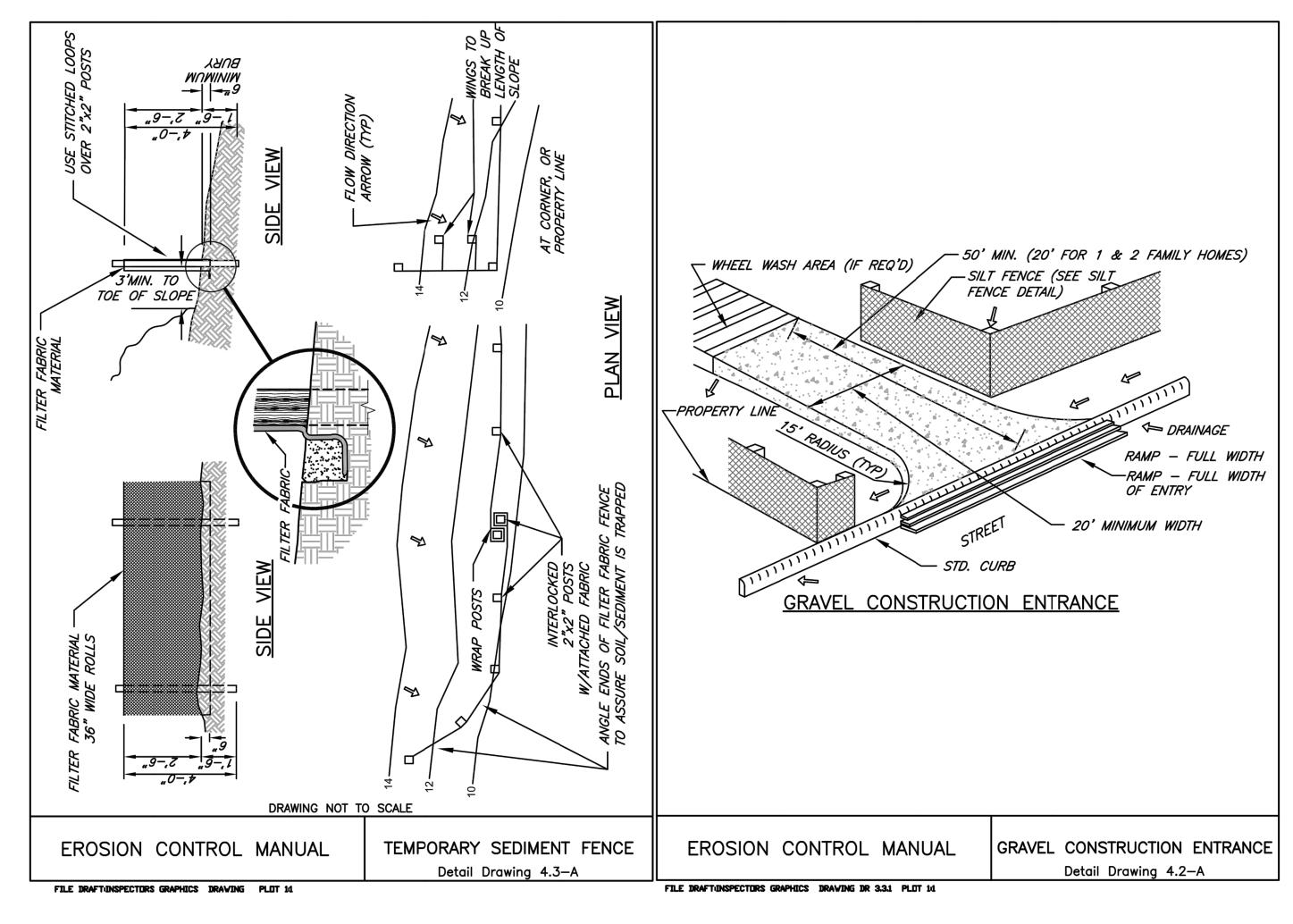


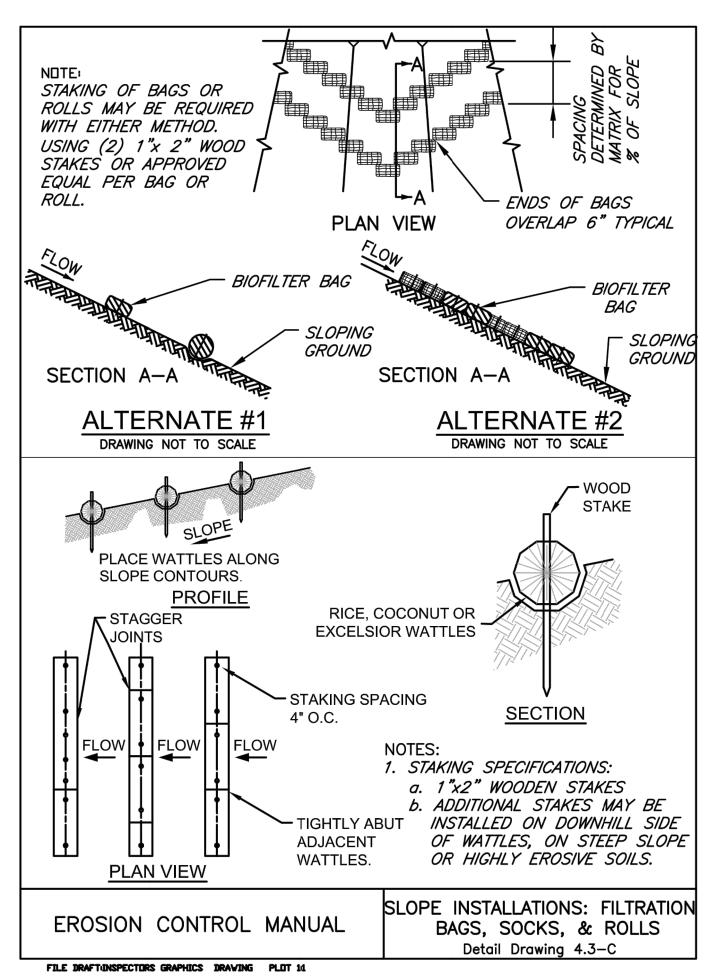
#### **EROSION CONTROL NOTES:**

- 1. APPROVAL OF THIS EROSION SEDIMENT AND POLLUTION CONTROL PLAN (ESPCP) DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.)
- 2. THE IMPLEMENTATION OF THIS ESPCP AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND UPGRADING OF THESE ESPCP FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED, VEGETATION/LANDSCAPING IS ESTABLISHED.
- 3. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- 4. THE ESPCP FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM ROADWAYS OR VIOLATE APPLICABLE WATER STANDARDS.
- 5. THE ESPCP FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESPCP FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS, AND TO ENSURE THAT SEDIMENT AND SEDIMENT—LADEN WATER DOES NOT LEAVE THE SITE.
- 6. THE ESPCP FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- 7. THE ESPCP FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A WEEK OR WITHIN THE 24 HOURS FOLLOWING A STORM EVENT.
- 8. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
- 9. APPLICANT/ CONTRACTOR TO PUT UP ALL REQUIRED EROSION CONTROL SIGNAGE PRIOR TO GROUND DISTURBANCE. A CD WITH ALL REQUIRED EROSION CONTROL SIGNS WILL BE PROVIDED AT THE PRE-CONSTRUCTION MEETING.

### SEDIMENTATION FENCE NOTES:

- 1. THE FILTER FABRIC FENCE SHALL BE INSTALLED TO FOLLOW THE CONTOURS WHERE FEASIBLE. THE FENCE POSTS SHALL BE SPACED A MAXIMUM OF 6' APART AND DRIVEN SECURELY INTO THE GROUND A MINIMUM OF 24".
- 2. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID USE OF JOINTS. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM 6" OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST, OR OVERLAP 2" X 2" POSTS AND ATTACH AS SHOWN ON DETAIL SHEET 4-3A OF THE EROSION CONTROL MANUAL.
- 3. THE FILTER FABRIC SHALL HAVE A MINIMUM VERTICAL BURIAL OF 6". ALL EXCAVATED MATERIAL FROM FILTER FABRIC INSTALLATION SHALL BE BACKFILLED AND COMPACTED ALONG THE ENTIRE DISTURBED AREA.
- 4. STANDARD OR HEAVY-DUTY FILTER FABRIC FENCES SHALL HAVE MANUFACTURED STITCHED LOOPS FOR 2" X 2" POST INSTALLATION. STITCHED LOOPS SHALL BE INSTALLED ON THE UP HILLSIDE OF THE SLOPED AREA.
- 5. FILTER FABRIC FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN PERMANENTLY PROTECTED AND STABILIZED.
- 6. FILTER FABRIC FENCES SHALL BE INSPECTED BY APPLICANT/CONTRACTOR IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.







90% PLAN REVIEW SET

EXPIRES: 06/30/21 SIGNATURE DATE: \_\_\_\_\_

DRAWN: ZA DESIGNED: ZA CHECKED: KG

SCALE: AS SHOWN DATE: APRIL 2021

DATE: NO. REVISION

PROJECT NO. E20-068



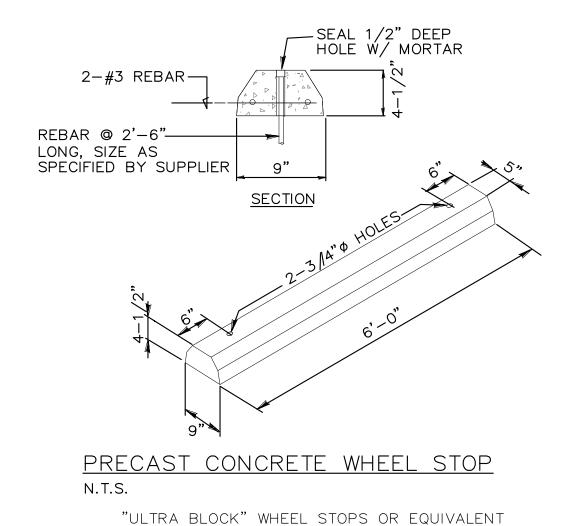
359 EAST HISTORIC COLUMBIA RIVER HIGHWAY TROUTDALE, OREGON 97060
BUS: (503) 668-3737 FAX: (503) 668-3788

METRO: BEN HEDSTROM 600 NE GRAND AVENUE PORTLAND, OR 97232

ESC NOTES & DETAILS

ADA PARKING IMPROVEMENTS

OXBOW REGIONAL PARK



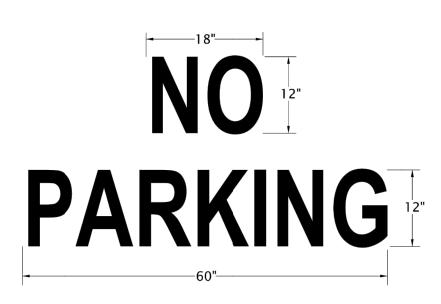
SIGN NOTE: INSTALL POST-MOUNTED SIGNS WITH 7'  $(\pm 3")$  CLEARANCE FROM THE BOTTOM OF THE SIGN TO GROUND LINE.

#### **OREGON TRANSPORTATION COMMISSION Standards for Accessible Parking Places** August 2018

## PAVEMENT MARKING LEGEND







Pavement Marking Legend: White or Yellow, Retroreflective

The "No Parking" pavement marking is used to designate an access aisle reserved for persons use parking with a DMV permit. This marking shall be required for all access aisles next to accessible parking spaces. Engineering judgement should be used for placement location to give best visual location to prevent illegal use of access aisle. Yellow may be used instead of white to increase contrast between access aisle white lines and the "No Parking" legend.

#### **OREGON TRANSPORTATION COMMISSION Standards for Accessible Parking Places** August 2018

# SIGN DESIGN



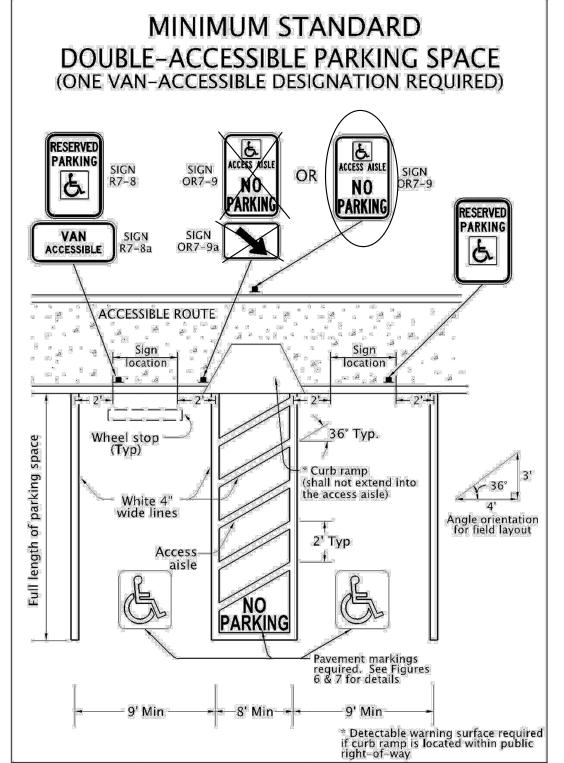
Sign Background: White, Retroreflective sheeting Sign Legend: Green, Retroreflective sheeting Sign Symbol: White on Blue, Retroreflective sheeting

Refer to Standard Highway Signs book for details.

The Disabled Person parking sign is used to designate a parking area reserved for vehicles with DMV permit as stated.

Figure 8

#### **OREGON TRANSPORTATION COMMISSION Standards for Accessible Parking Places** August 2018



LEGEND	DIMENSIONS (INCHES)						
LEGEND	Α	В	C	D	Ε	F	G
MINIMUM	28	24	3				
STANDARD	41	36	4				

**OREGON TRANSPORTATION COMMISSION** 

**Standards for Accessible Parking Places** 

August 2018

PAVEMENT MARKING STENCIL

C (stroke width)

Background

The pavement marking stencil shall be used to designate an accessible parking area reserved for vehicles with DMV permits.

Pavement Marking Background: Optional: Blue, Retroreflective

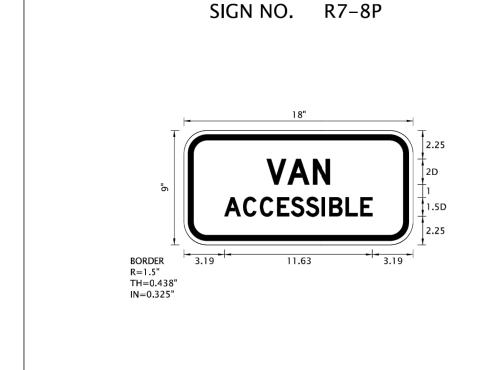
Pavement Marking Stencil: White, Retroreflective

Figure 6

### **OREGON TRANSPORTATION COMMISSION Standards for Accessible Parking Places** August 2018

Figure 2

## SIGN DESIGN



Sign Background: White, Retroreflective sheeting

Sign Legend: Green, Retroreflective sheeting

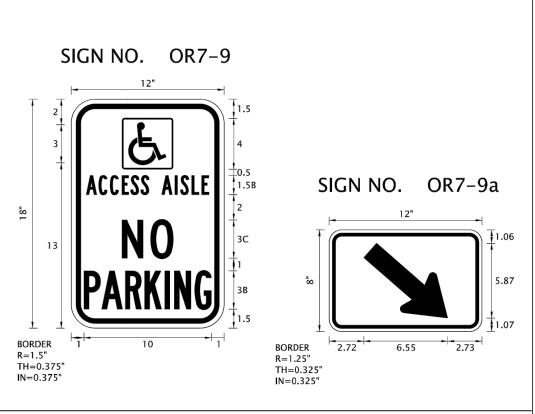
Refer to Standard Highway Signs book for details and dimensions.

The VAN-ACCESSIBLE sign shall only be used with sign R7-8 to designate the parking spaces that have an access aisle 8 ft or wider

Figure 9

### **OREGON TRANSPORTATION COMMISSION Standards for Accessible Parking Places** August 2018

## SIGN DESIGN



Sign Background: White, Retroreflective sheeting

Sign Legend: Red, Retroreflective sheeting

Sign Symbol: White on Blue, Retroreflective sheeting

Sign OR7-9a: Use when back of walk directly behind access aisle is not available for sign placement and sign must be placed to one side of pedestrian access ramp.

The No Parking in Access Aisle sign is used to designate an access aisle reserved for persons use parking with DMV permit. Install sign in locations where "No Parking" pavement marking may not be visible regularly from snow or sand. Place sign to have direct view from end of access aisle when possible outside of accessible route.



Figure 11

90% PLAN REVIEW SET

SIGNATURE DATE: \_\_

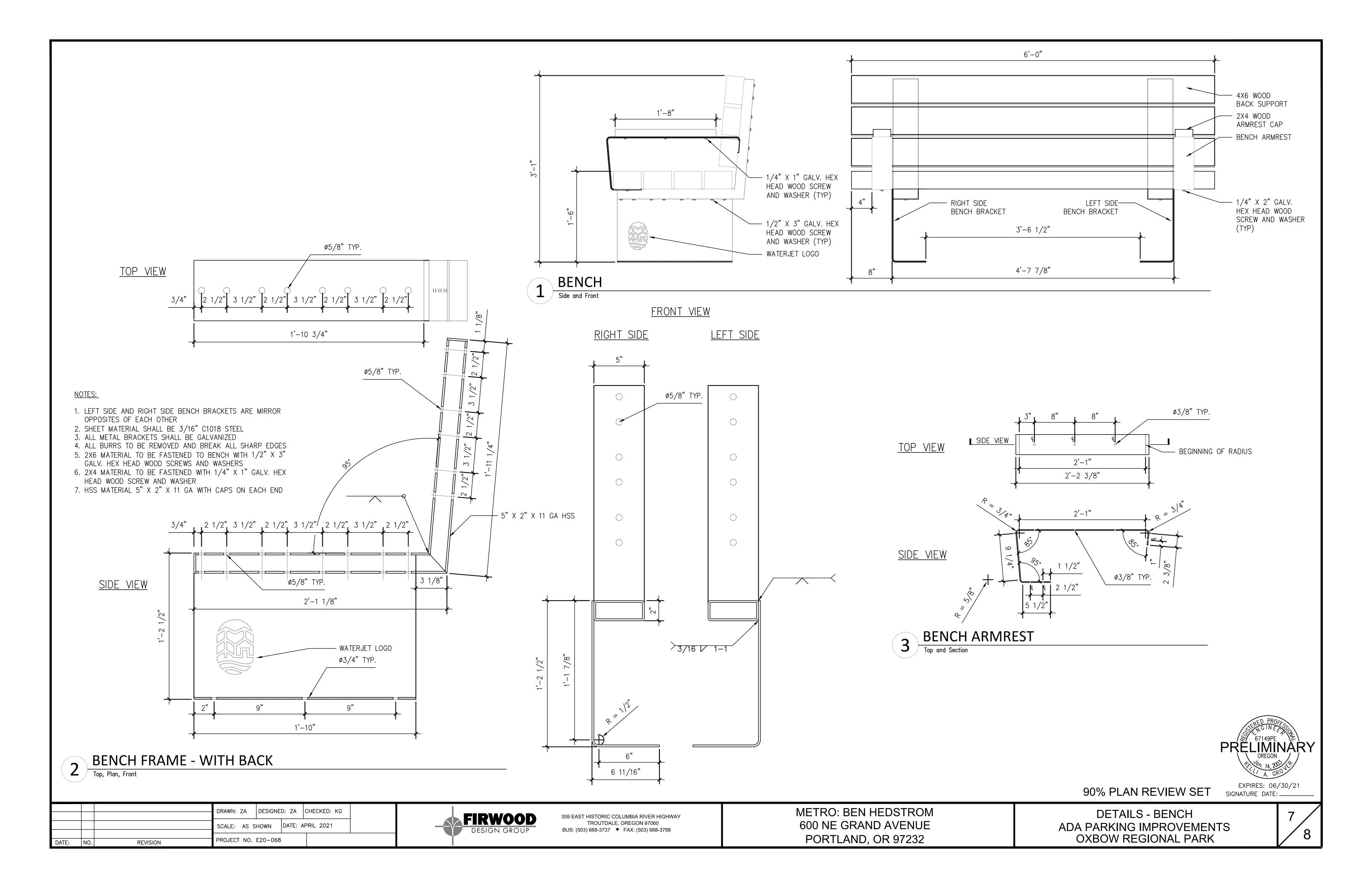
DRAWN: ZA DESIGNED: ZA CHECKED: KG DATE: APRIL 2021 SCALE: AS SHOWN PROJECT NO. E20-068 DATE: NO.

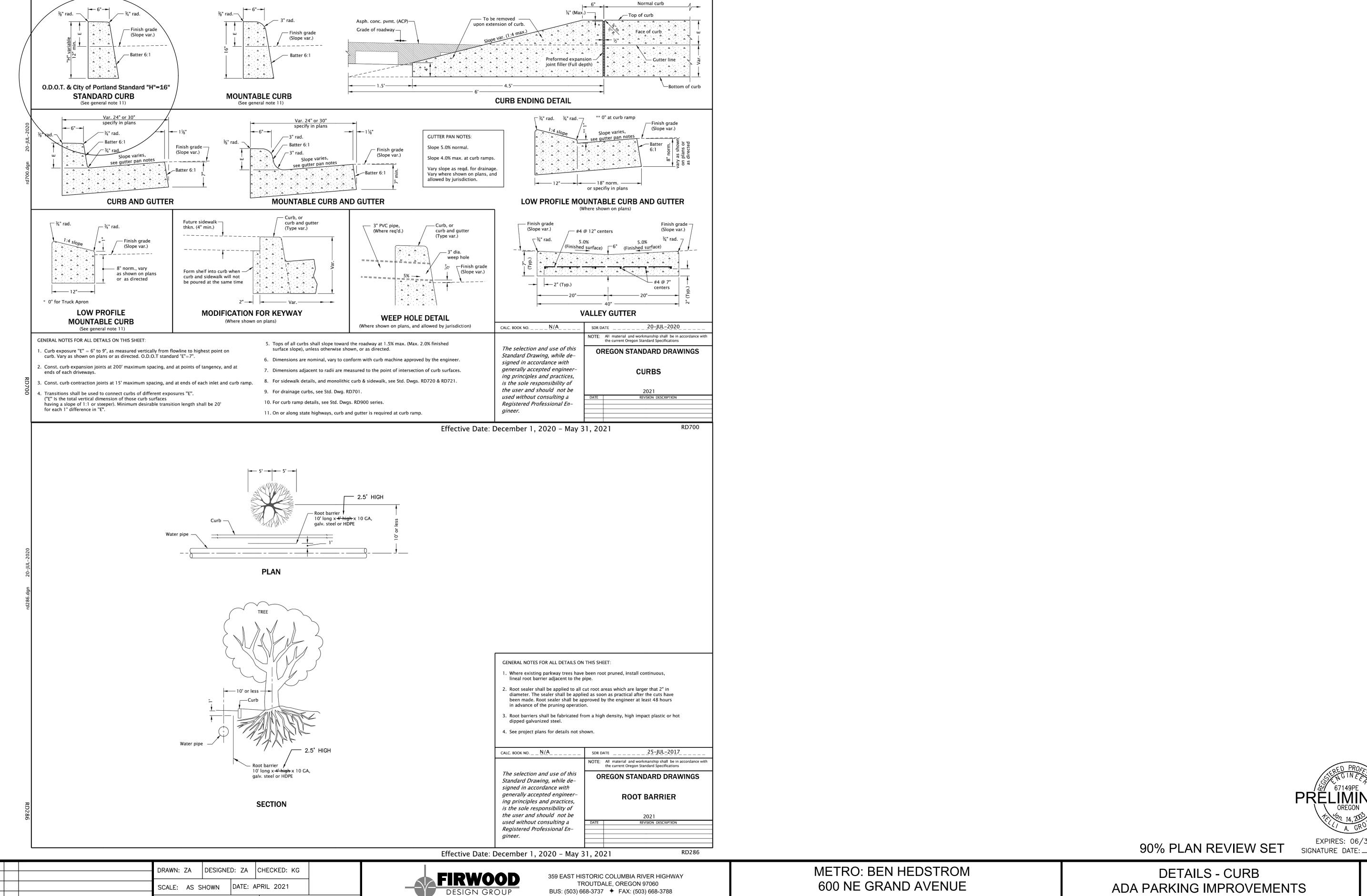


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**DETAILS - PARKING** ADA PARKING IMPROVEMENTS OXBOW REGIONAL PARK





PROJECT NO. E20-068

DATE: NO.

PORTLAND, OR 97232

OXBOW REGIONAL PARK