



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

DECISION OF THE PLANNING DIRECTOR

Design Review

Case File No. DR 6-99

February 24, 2000

Proposal: Improvements to the Oxbow Park including Campground Improvements and Installation of a Waste Water System.

Location: Oxbow Park is located at:
3010 SE Oxbow Parkway
1S4E14-0150 Tax Account #R99414-0190, 9.7 acres
1S4E11-00400 #R994110350 40 acres
1S4E10-00400 #R994100050 168.5 acres
1S4E11-00200 #R994110070 120 acres

Applicant/ Owners	METRO Berit Stevenson 600 NE Grand Ave. Portland, OR 97232	Multnomah County Property Management 2505 SE 11 th Ave. Portland, OR 97202	United States of America Bureau of Land Management Bob Radcliffe 1717 Fabry Rd NE Salem, OR 97036
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Site Size: Total of Affected Parcels = 338 acres

Zoning: CFU, Commercial Forest Use
SEC, Significant Environmental Concern

Approval Criteria: Multnomah County Code (MCC) 11.15.7805 through .7870 Design Review.

Decision: **Approve the request to install the proposed campground improvements including the minor roadway re-alignment and path, two restroom/shower buildings, adding 22 campsites and garbage/recycle/water necessities, and 29 parking spaces, and the request to install the proposed waste water disposal system including a sewer main, pump station, and on-site sewage treatment facility, based on the findings and conclusions, and subject to the Conditions of Approval of this report.**

I. CONDITIONS OF APPROVAL

1. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site plan, and findings contained in the Staff Report. The applicant shall be responsible for implementing the development plan as presented and approved.
2. Prior to final approval of the building plans, the applicant shall amend the site plan of the shower/restroom building locations to show that they meet the primary safety zone requirement of MCC .2074(A)(5)(c).
3. Prior to final approval of the building plans, the applicant shall amend the shower/restroom building plans to show that the Class 1 Ignition Resistant Construction standards are incorporated into the design as required in MCC .2075(B)(2).
4. Prior to final approval of the building plans, the applicant shall provide verification from the Department of Water Resources that a water use permit is not required, that the use is covered in the existing permit for the proposed treatment plant location, or that the Department of Water Resources has authorized a permit for the treatment plant.
5. This approval will become void 18 months from the date this decision becomes final. The decision will become final on March 7, 2000 unless an appeal is filed.

Note: No additional land use action and/or permit requests relating to this application shall be accepted until such time as all required fees for processing this decision have been paid in full.

The Planning Director's policy is for the case planner to provide zoning approval of the final Building Plans on an appointment basis. Please contact Chuck Beasley at 248-3043 to set a time for Building Permit sign-off.

STAFF REPORT FORMAT

This staff report addresses one requested action, approval of a Design Review permit, and includes findings of compliance with the Development and Fire Siting Standards for Structures in forest zones. The Applicant's response to an approval criterion indicated by the notation "Applicant." Planning staff comments and analysis follow the applicant's responses to the criterion. Additional planning staff comments are added where supplemental information is needed or where staff may not concur with the applicant's statements. If no staff remarks are indicated, staff

concurs with the applicant. Findings are included by staff as necessary to address ordinance requirements.

FINDINGS:

II. BACKGROUND AND DESCRIPTION OF PROPOSAL

Applicant:

Metro has completed an extensive planning process for Oxbow Regional Park and is now ready to implement the Master Plan dated October 1997. This implementation will be phased. Phase I – which includes upgrades to the existing water system to treat for iron/manganese and the installation of two vault toilets in the campground area- has received design review approval from Multnomah County (Case File No. DR 4-99) and is currently under construction. This design review application relates to the Phase II improvements which are listed and described below.

Campground Improvements – minor roadway re-alignment and campsite improvements;
installation of two restroom/shower buildings and eight yurts.
Installation of Waste Water System

Campground Improvements

The campground is located in the north and central area of the Park. At its northern edge, it is approximately 220 ft. from the Sandy River. The area is heavily forested. The campground includes 44 currently in-use individual camp sites and another 14 individual campsites that are not currently in use. The Master Plan recommends that the 14 abandoned campsites be restored and put into use and that the existing road system be reorganized to allow for two one-way loops. These improvements are detailed on otak drawing L484X500 attached hereto. The 14 restored campsites are located primarily along the eastern loop.

Each individual campsite includes gravel parking area, tent site, fire pit, barbecue and picnic table. The campsites are served by centrally located garbage and recycling stations, water spigots and gray-water disposal and by vault toilets (vault toilets were approved in Phase I.) Centrally located restroom/shower buildings are an element of this design review and will be discussed below. The existing roadway is asphalt and would be realigned in several locations as indicated in the attached drawing to improve vehicular circulation. Some individual campsites have been relocated slightly from their current or formerly current locations for purposes of improving the over-all camping experience for users.

Another recommendation of the Master Plan was the installation of flush toilet and shower facilities within the campground facilities. Previously, the campground was served by pit toilets. Two restroom/shower buildings have been located to efficiently

serve users of the campground and to minimize their impact to the natural surroundings. Each building is approximately 716 sq. ft. and includes four individual uni-sex toilet rooms and four individual uni-sex shower rooms. Of the four shower and toilet rooms, one is fully assessable and in compliance with the ADA. There is also a central mechanical chase/utility and storage room. The building exterior will combine a cedar siding with a wainscot of river rock. The roof will include a standing seam metal roof upon wood trusses.

(Staff Note: Language at this place in the original narrative has been omitted by staff because the yurts were removed from the request pursuant to the applicants 2/11/00 letter. The original language is in Exhibit A.2.)

All of the campground improvements have been carefully sited to minimize the impact to the natural forest. However, the area is currently heavily forested and avoiding all tree removal is not possible. A total of 16 trees with a 6 in diameter at five feet will be removed to make way for these improvements. These trees are marked on drawing L484X500.dwg.

The proposed campground improvements will include 29 new parking spaces which are depicted on otak drawing L484X500 . There is generally one parking space for each camp or yurt site (three sites have a double wide space which can accommodate two vehicles). The ADA yurt space includes a paved parking space. Each restroom building has a paved parking area that can accommodate either two standard spaces or one disabled space. Except for the ADA yurt space and the spaces adjacent to the restroom buildings, the parking surface is gravel and includes wheelstops to ensure that vehicles remain in the parking space.

A new 5 ft. gravel path is proposed to improve pedestrian circulation in the campground. This path way will allow pedestrians to safely circulate along the main roadway.

Waste Water Collection, Treatment and Disposal System

In addition to the campground improvements, this design review application deals with the waste water collection, treatment and disposal system. The system is design to serve the two restroom/shower facilities which are proposed for the campground. In addition, some elements of the system have been designed to accommodate future development of the Educational Center and its related restroom facilities in the event it is approved and constructed in the future.

The improvements associated with this waste water system are depicted on otak drawing RO3 – “System Map – Overall”. The system consists primarily of underground piping, septic tanks, pump station, below-grade recirculating tanks, above-grade recirculating gravel filter (50 ft. x144 ft. x 38 in.) and drain field. Due to the type and size of the system, Oregon Department of Environmental Quality (DEQ) is the agency responsible for permitting.

The majority of the improvements, including the above-grade filter, are located in Elk Meadow which is approximately 850 ft. to the south of the campground. The area is flat and the tanks, filter and drain fields are tucked up against the tree line. No trees will be removed. Underground piping from the septic tanks at the restroom facilities will run primarily along existing roads.

Staff: The applicant has amended the project to change the eight proposed YURT sites into individual campsites. The campsites are proposed for the same locations as the YURTS, with one of the sites being constructed as a handicap accessible site. These changes are indicated on the revised campground drawing dated 2/14/00, and in the 2/11/00 letter.

Oxbow Park was established by Multnomah County as a major regional park through purchases of land during the 1960's. As parcels were acquired by the County, they were approved for Community Service use in the F2 zoning district by the Planning Commission in a series of decisions at that time. The block of land which is managed as the park is approximately 1,000 acres in size, and includes parcels on both sides of the Sandy River that are in several ownerships. The current owners listed in the Tax Assessor's data base include Multnomah County, the United States of America (BLM), and the State of Oregon. The Multnomah County ownership is intended to be transferred to Metro.

SITE AND VICINITY CHARACTERISTICS

Staff: The subject property (Oxbow Park) is located along the south shore of the Sandy River at the end of Hosner Rd./Oxbow Parkway. The entrance and structures supporting maintenance and park staff are located at the west end of the park. The campground improvements and waste water system proposed herein are located at the east end of the park.

III. APPLICABLE CRITERIA

1. MCC 11.15.7820 Applicability of Regulations for the Design Review process, together with .7815 Plan Approval Required, provide that completion of Design Review is necessary to alter or enlarge a use listed as a community service use in any district.
2. MCC 11.15.6100 Off-Street Parking and Loading applies to alterations to existing uses which intensify use by persons.
3. MCC 11.15.2074 Development Standards for Dwellings and Structures in forest zones.

IV. ANALYSIS

A. CS Uses in the CFU Zone

Staff: The findings in this section are intended to address the requirements for approval of the proposed improvements given the circumstances of the use, Oxbow Park. The areas of the code addressed are the use provisions of the CFU zone, and review of changes to a Community Service Use (CS). Staff concludes that the proposed development is allowed in the CFU zone, and that the Design Review process allows the proposed changes to the Community Service use.

Commercial Forest Use

The CFU district section MCC 11.15.2050 lists a park as a use allowed subject to the approval standards in the Community Service Use code. As stated above under Section II “Background,” the park was approved by Planning Commission actions during the 1960’s, and as such is a permitted use. The specific uses which are allowed within a park are not listed in the code, but it is acknowledged that they must be consistent with state requirements under Goal 4. The CFU zoning code also allows accessory uses which are determined by the Planning Director to be “customarily accessory or incidental” to a permitted use (MCC 11.15.2054(D)). The proposed campground improvements add camping spaces and accessories to an existing use permitted in the zone.

The proposed restroom/shower buildings and associated waste water treatment system, while a new type of facility in the park, are also customarily accessory to a park as necessary sanitation facilities. Sanitation facilities are historic uses existing in the park. They are part of an overall Master Plan objective to upgrade the sanitation system of the park.

Community Service Use

The general provisions of the CS code under MCC 11.15.7010 provide that a CS approval is limited to the specific uses approved, and requires that any change or modification of limitations or conditions (the use), is subject to review. Uses allowed under the CS provisions are subject to Design Review approval as well. The subject parcels are designated “CS” on the 1962 County zoning map, in recognition of the use of the area as part of Oxbow Park. Archive copies of 1960’s era CS approvals state that the area is approved for a “major park”, but do not include a list of allowable uses or any limitations to the use. The proposed improvements are customarily accessory to a park, therefore the requests can be processed as Design Review applications.

B. Design Review Approval Criteria

MCC 11.15.7850(A): Approval of a final design review plan shall be based on the following criteria:

(1) 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.**
- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.**
- (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.**

Applicant: Campground Improvements: The campground improvements have been designed to relate positively with the environment. Specifically, the road re-alignment is designed to improve traffic circulation. The new arrangement will be more efficient by allowing for increased campsites while decreasing vehicle traffic by individual sites. The loop system will allow for a single loop (and the adjoining campsites) to be opened during non-peak times. The single story restroom/shower buildings are small in scale (716 sq. ft. each). Their façade featuring a river rock wainscoting and cedar siding; its neutral colors will fit well with the Sandy River surroundings. Each of the buildings has been located so that campers will be efficiently served. The concrete buildings will be well equipped to withstand both the typical weather and the atypical storms of the area. The buildings will comply with current building code requirements related to energy conservation.

The yurts are also small in stature with a 16 ft. diameter and a height of just over 11 ft. from the finished floor. Each yurt is approximately 200 sq. ft. Their tent-like appearance will compliment the forested campground surroundings. The yurt design and materials will perform well in adverse weather conditions. Specifically, the yurts are designed and constructed to handle 55 psf snow load and 90 mph winds. This model of yurt has a proven track record within the State of Oregon Park system which has over 150 yurts in operation.

The resurrected campsites have been sited in the most obvious location within the park – the existing campground. This will allow campers easy access to the vault toilets, restroom/shower buildings, water, garbage and recycling facilities. They are nearby some of the main attractions in the park – the Sandy River and hiking trails. The campsites will provide users with the typical assortment of equipment/items necessary for a successful camping experience – picnic table, fire pit & barbecue, tent and parking area and the surrounding forest.

Waste Water System: This system will be nearly invisible to park visitors. The system is primarily below grade – only the recirculating gravel filter is above-grade. This filter

is approximately 50 ft. by 144 ft. and 38 in. high. It is bermed and tucked back into a corner of the Elk Meadow so that it will fit well with its surroundings.

(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

Applicant: Campground Improvements: Both the restroom/shower buildings and the yurts have been sited in environments which are both safe and that affords privacy were appropriate, They are in the already developed campground area which is located in the northeast corner of the park approximately 220 feet from the Sandy River. The campground terrain is relatively level and is quite a distance from any of the steep terrain within the park which has in the past experienced landslide activity. The restroom/shower buildings will be adequately lighted and each toilet and shower room will be fitted with lockable hardware. The yurts also will have a light and will feature lockable hardware on both the door and windows. As stated above, the fabric material of the side, interior insulation and top cover are flame resistant and user regulations will guard against fire danger. A pedestrian pathway is located off the roadway thereby improving camper's safety as they walk through the campground. The campsites, while lacking in absolute privacy by their very nature, have been sited within the forest so that each site will afford its users a secluded area for camping.

Waste Water Treatment System: Privacy as a criteria is non-applicable. The system is safe. The only above grade element is the bermed gravel filter. This is located in a remote area of Elk Meadow - a little traveled area of the Park. The filter is filled with gravel and therefore is not a hazard for children who might otherwise climb into the filter.

(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.

Applicant: Campground Improvements: The restroom/shower buildings have been designed to be fully compliant with the requirements of the ADA. Specifically, each building will include one unisex toilet room and one unisex shower room that are fully accessible. The buildings are located adjacent to paved roads and are at grade. A paved parking area will be immediately adjacent to each building. During construction, care will be taken that the route to the buildings will be fully accessible. Of the eight new yurts, one will be fully compliant with the ADA. The ADA yurt is equipped with lever hardware versus a doorknob and includes an internal ramp with a slope not greater than 1 to 12 for passage over the door sill. This yurt's parking area will be paved and will be connected to the yurt's deck by a 4 ft. wide gravel ramp/path which will be constructed with less than a 5% grade. One of the existing individual campsites is equipped with ADA compliant equipment (fire pit, picnic table and barbecue). In addition, this campsite includes paved or asphalt parking area and outdoor living area. All of the new

campsites will include ADA compliant equipment . The Universal Access to Outdoor Recreation, which is considered the design guide for campsites, indicates that 3% of campsites should be accessible. Utilizing this guideline for the 22 new camp and yurt sites would require that .66, or rounded up to 1, site is required . The accessible yurt site meets this requirement.

(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.

Applicant: Campground Improvements: Overall, the campground improvements will have a minor impact on the natural grade and landscaping of the area. The grade of the area, which is generally flat, will not be effected by the various improvements. The largest impact due to these improvements is the removal of 16 significant trees. The removal of the trees is proposed notwithstanding the great care that was taken during the siting of these improvements. The interests that were considered during the siting process were 1) preservation of vegetation; 2) user considerations (convenience, privacy, safety, aesthetics, etc.) 3) operational issues (efficiency and costs) and 4) site considerations (grade). Because this is a very heavily forested area, the removal of these trees will not detract significantly and campers will continue to feel that they have been recreating in the wilderness.

Of the 16 significant trees which are proposed for removal, 3 are related to the campsites (one existing site which is slightly modified and one new site). Again, removal of these three trees was determined based on extensive on-site analysis by the project designers and the park ranger. The heavily forested area will retain its wilderness quality notwithstanding the removal of these three trees.

Waste Water System: The natural landscape will be preserved - no trees or shrubs are planned to be removed. The underground piping will run along existing roadways primarily. Where it is necessary to place pipe in areas other than roadways, directional boring will be utilized to avoid negative impact on the landscape. All construction activities will occur only after a pre-construction meeting where construction methods and impacts to the natural topography and landscape will be a discussion item.

Staff: Tree removal as proposed in the application is required to meet the fire safety standards under MCC 11.15.2074(A)(5)(c) for the restroom/shower buildings, and may meet that standard. If additional tree removal is necessary to meet the primary safety zone requirements, it appears based on the 9/30/99 analysis by Deb Scrivens, that the impacts would not significantly change these findings.

Based on discussion of the project with Metro Construction Project Manager Glenn Taylor, the existing grade is not changed by the proposed improvements except for the

recirculating gravel filter. This change is a minor impact in an area which has little landscape impact due to the remote location and nearly flat existing grade.

(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

Applicant: Campground Improvements: Several of the proposed campground improvement are designed specifically to improve vehicular circulation within the campground. For instance, traffic routing will be adjusted so that during non-peak times a smaller area of the campground is in operation thereby minimizing vehicle miles. All new parking (29 spaces) is necessary and directly related to the restroom buildings, the yurts or the restored campsites. These spaces are convenient and safe spaces given their intended use and will work well with the surrounding landscape and buildings. In addition, the campground, including the restored campsites, will be served by a new pedestrian path that runs along the main roadway which is located at the northern boundary of the campground. This pathway will improve pedestrian safety throughout the campground.

Waste Water System: This criteria is not applicable to this proposed system.

(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

Applicant: The proposal does not include any surface drainage systems which will adversely affect neighboring properties or streets.

Staff: Surface drainage changes primarily when impervious or semi-pervious surfaces are added, when surface flow is intercepted, or when vegetation is removed. The proposal entails constructing less than 2,000 square feet of impervious surface on the 300 plus acre site, and no new ditches or other surface water interceptors are proposed.

(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.

Applicant: Campground Improvements: Because the area is heavily forested, no buffering will be necessary to minimize adverse impacts. The parking in this area is dispersed throughout the site (generally one space per campsite) so, unlike parking lots, the need for buffering or screening is diminished.

Waste Water System: The above-grade gravel filter will be bermed so that it will appear like a small mound. No additional buffering or screening is necessary to ensure it's natural appearance given the surrounding meadow.

(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Applicant: The gravel filter associated with the waste water system is the only above grade utility installation proposed herein. It has been located in a remote corner of Elk Meadow and will not require the removal of trees or shrubs or any significant grading. The berm that is planned for the filter will result in an appearance which will meld with the natural surroundings of the meadow. Elk Meadow is located well within the Park boundaries and as such, no neighboring properties will be affected.

(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

Applicant: Except for minor code required signage (restroom signage in braille), this proposal does not include any new signs or graphics. Existing signage for the campground will be relocated.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date.
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025 (A) or .9027 (A).
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.

- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

Conclusion: Staff concludes that the applicant has demonstrated that the Design Review standards are met with the application as submitted.

C. Commercial Forest Use Standards

MCC 11.15.2054 Accessory Uses

- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

Applicant: The proposed improvements to the campground and the waste water system are both uses customarily accessory to a park. They are therefore allowed as accessory uses.

Staff: Agrees.

MCC 11.15.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .20619 .2062, and .2064, the minimum lot size shall be 80 acres.

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

- (C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

	Other		
Road Frontage	Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Applicant: The Park consists of over 1000 acres. Both the campground improvements

and the waste water system are located several hundred feet from any lot line of this tract and therefore meet all setback standards. Both restroom buildings and the yurts will be less than 35 ft. in height. This standard is met.

Staff: The System Map dated 11/99 contains parcel boundaries in relation to buildings which are subject to the dimensional requirements. This map confirms that the setback standards are met.

MCC 11.15.2066 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

Applicant: The proposed improvements include 29 new accessory parking spaces. These spaces support the yurt and individual campsites and the restroom/shower buildings. Generally one parking space for each camp or yurt site (three sites have a double-wide space which can accommodate two vehicles) have been provided. The ADA yurt space includes a paved parking space. Each restroom building has a paved parking area that can accommodate either two standard size vehicles or one disabled space (van spaces and accessway).

Except for the ADA yurt space and the spaces adjacent to the restroom/shower buildings, the parking surface is gravel and includes wheelstops to ensure that vehicles remain in the parking space.

The design standards of MCC .6100 through .6148 have been developed primarily with urban settings in mind. The stated purposes of this section are to “reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public’s investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.”

The proposed design of the parking spaces (gravel surface with wheelstops) is appropriate given the forested surroundings and the intended use of the proposed improvements. “Urban” type landscaping and lighting would be meaningless and out-of context. A gravel surface is also appropriate given the desire to minimize pervious surface for environmental reasons. This standards are met.

Staff: The parking code generally requires paved parking and maneuvering areas in MCC .6132(A) Improvements/Surfacing. There is a provision in (A)(2) to allow gravel spaces for intermittent uses. In order to allow unpaved parking areas as proposed, an interpretation under the provisions of MCC .6122 is required. This code section allows off-street parking and loading requirements for uses not specifically listed in MCC .6142 and .6144 to be determined in a written decision of the Planning Director, based on the standards of similar uses. Staff understands that the phrase “off-street parking or loading

requirements” in MCC .6122 includes the requirements for improvements in MCC .6132.

The use in this case is a public campground and natural area/park, and is not listed in the requisite code sections. The most nearly equivalent use is contained in MCC .6132(A)(2), large parking fields for intermittent uses. Surfacing of these uses can be gravel, and the spaces are marked as described by the applicant. The parking areas are at campsites which are nearly one third of a mile from a street, and in this sense are similar to a large off-street parking area. The campsites and spaces are also intermittent uses based on the characteristic of the campsites being occupied seasonally, and differing levels of use on weekdays and weekends during the camping season.

Conclusion: The interpretation provisions of MCC .6122 allow the parking requirements in this case to be varied in a way that is arguably more appropriate for the use. The gravel parking areas also fit under the intermittent use provisions of MCC .6132. In addition, the applicant states and staff agrees, that the lesser improvements proposed and allowed herein better reflect the purpose of the parking code. The parking provisions are therefore met with the project as proposed.

MCC 11.15.2074 Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);**
- (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**
- (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;**
- (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

Applicant: The campground improvements and the waste water system have been sited specifically to have the least impact on the surrounding forest. There are no immediately surrounding agricultural lands. The improvements meet the setback requirements. The proposed improvements do not adversely impact either forest operations or farming

practices, neither of which occur within the 1000 acre park. The cumulative square footage of the proposed buildings is 3,032 which is negligible given the total acreage of the park. The park road is necessary to access the park facilities which are located throughout the park and is not excessive given the size of the park. The road alignment is somewhat fixed by both the steep topography of the site and the Sandy River; however, some realignment has been recommended in the Master Plan to reduce traffic and parking conflicts.

Staff: Agrees with the applicant's information and conclusions.

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;**
- (c) Maintenance of a primary and a secondary fire safety zone on the subject tract.**
 - (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**
 - (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance**

with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

(d) The building site must have a slope less than 40 percent.

Applicant: Metro staff, Deb Scrivins, has evaluated both the restroom/shower buildings and the yurts for compliance with the primary and secondary fire zones which are included in MCC 11.15.2074. She has prepared a report that is attached hereto. Because the structure types and uses are distinctly different, they are discussed separately.

Restroom/Shower Buildings: The risk associated with wildfire has been minimized due to the nature of the buildings and their sites. The buildings will not be a source of fire and are constructed primarily of non-flammable materials (concrete floor and walls and metal roof). They have no chimney. They are located on flat sites that have little or no ground fuels. See attached memo report by Deb Scrivens. The entire park is served with fire hydrants which are located generally along the main Park road and in the campground. Permanent signs identify the fire hydrants.

An analysis of the requirements for a primary and secondary fire safety zone was undertaken. See attached memo report by Deb Scrivens. Strict compliance with these standards would require the removal of 13 trees for building # 1 and 8 trees for building #2 for fire safety purposes. Metro proposes that strict compliance of these standards is not appropriate given the following:

- The standards in the CFU zone were primarily intended for the siting of homes in forest land and are not generally appropriate or suitable to the subject proposal – restroom/shower buildings in a recreational campground.
- The stated purpose for these fire safety zones is to “minimize risk of wildfire”. The risk of wildfire either to these structures or because of these structures is nearly non-existent given their function and form. Therefore, because these structures pose little or no risk of wildfire, strict compliance with the standards is not necessary to achieve the overall goal.
- Design review includes a contradictory approval criteria which is to preserve the natural landscape. Given this discrepancy and the non-risk posed by these structures, a reasonable approach is to defer to the design review criteria of preservation of natural landscape.

- The land owner of the subject parcel is BLM. They have indicated their desire to minimize removal of trees.

(Staff Note: Language at this place in the original narrative has been omitted by staff because the yurts were removed from the request pursuant to the applicants 2/11/00 letter. The original language is in Exhibit A.2.)

Staff: The fire break standards of this section are applicable to both dwellings and structures under the code. The proposed Restroom/Shower Buildings are structures and are therefore subject to the standards of (5)(c). The report by Metro staff indicates that the primary safety zone can be met at the location of both buildings.

The secondary zone may be reduced under the provisions of MCC 11.15.2075(A), when the structure is located within 130 feet of the centerline of a private road serving two or more properties. The campground road qualifies because it serves more than two parcels, and the proposed shower/restroom buildings are within 130' of the road. Under the provisions of .2075(B), where the secondary zone is proposed to be less than fifty feet, the structure must be constructed using the "Class 1" standard.

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**
- (3) *[Deleted 1998, Ord. 916 § II]***
- (4) Have a fire retardant roof; and**
- (5) Have a spark arrester on each chimney.**

Staff: The shower/restroom buildings incorporate a fire retardant (metal) roof, and there are no chimneys proposed.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

- (1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.**

(2) Evidence of a domestic water supply means:

- (a) Verification from a water purveyor that the use described in the**

application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Applicant: Water supply – a copy of a water use permit is included herein.

Staff: The water supply is from an existing well, and the applicant has submitted a Certificate of Water Right dated 8/3/64. The Certificate authorizes use of the water in a number of quarter sections of Sections 10, 11, and 15 of T1SR4E, however the sewage treatment facility is proposed in a quarter section not listed in the Certificate. The applicant will need to provide evidence of domestic water supply as provided in (C)(2)(b) or (c) above in order to demonstrate compliance with this section. Staff understands that there may be several potential solutions the applicant has to meet these provisions including a determination by Water Resources Department that the disposal of effluent is not a water use, or relocation of the waste treatment facility, obtaining a supplemental water right for the proposed location, and possibly others. Based on this, it appears compliance is feasible and imposition of a condition of approval is allowed.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

Staff: The proposed structures are not dwellings, therefore this standard does not apply.

Conclusion: Based on the findings above, staff concludes that the applicable forest standards can be met on compliance with conditions of approval. The development standards in (A) are met as demonstrated by the applicant except for the wildfire standards of subsection (5). Staff is unable to find that the proposed restroom/shower buildings are exempt from the standards as suggested by the applicant, however the standards can be met. Some clearing and tree removal may be required to establish the 30 foot primary safety zones, and the structures will need to meet the Class 1 standards for an exception to the secondary zone. The applicant will need to amend the site plan of the restroom locations to indicate the primary safety zone, and indicate on the restroom plans that the Class 1 standards are incorporated into the design.

Evidence of domestic water supply for the proposed treatment plant location can be met when the applicant provides a verification from the Water Resources Department that a water use permit is not required, or that the use is covered in the existing permit.

VI. EXHIBITS

- A1. Applicants submittal on 10/1/99.
Narrative, site plans, photographs, 9/30/99 memo from Deb Scrivens, well report and water right certificate, restroom plans and exterior elevations, completed service provider forms for police and fire, BLM and County Property Management approval of the application, OPRD response, and YRUT details.
 - A2. Revised narrative received 11/26/99.
 - A3. Transmittal letter dated 11/24/99 and attachments, Revised Drawing R03, Yurt elevation, OPRD approval.
 - A4. Site Evaluation Report and 1/12/00 transmittal letter.
 - A5. Letter to amend application to remove YURTS dated 2/11/00.
 - A6. Revised campground plan and transmittal letter dated 2/15/00.
- B1. Incomplete letter from staff to applicant dated 10/29/99.

In the matter of DR 6-99

This decision filed with the Director of the Department of Environmental Services on February 24, 2000.

Multnomah County Department of Environmental Services
Land Use Planning Division

By Chuck Beasley, *Planner*
For: Kathy Busse, *Planning Director*

NOTICE

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association, of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development permit applications. The notice must describe the method to appeal the decision and, if appealed, the County must hold a public hearing to consider the merits of the application. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830. (ORS 197.763, ORS 215.416(11)).

The Administrative Decision(s) detailed above will not become final until the 12-day period for filing an appeal has expired. The 12-day appeal period starts the day after this notice is mailed, and if the 12th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. Any person who is adversely affected or aggrieved by the decision, or who is entitled to written notice as described above, may appeal this decision. To file an appeal, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a

\$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 988-3043, or visit our offices at 1600 SE 190th Ave., Gresham, OR s [hours: 8:30 a.m. – 4:30 p.m.; M—F].

The appeal period ends March 7, 2000, at 4:30 p.m.