



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
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MULTNOMAH COUNTY
PLANNING SECTION

Decision of Hearings Officer

This Decision consists of findings of fact, conclusions, and conditions of approval. This document was prepared using the Staff Report authored by Tricia Sears. Findings prepared by Ms. Sears are marked "Staff." Findings prepared by the Hearings Officer are marked "Hearings Officer." Findings prepared by the applicant are marked "Applicant." Staff and applicant findings are adopted as findings of the Hearings Officer unless marked otherwise.

Case File: CS 0-1
Hearings Officer: Liz Fancher
Hearing Date & Time: Wednesday, February 16, 2000, 10:30 AM

PROPOSAL: A request for approval of a Community Service (CS) Use application for use of the site (three lots) as a park [MCC 11.15.7020(A)(10)] for the extension of the existing Springwater Corridor Trail. The City of Portland proposes to extend the existing trail for a distance of 1.3 miles, using an existing rail ballast. The applicant states that 1.2 miles of the proposed trail extension will occur in Multnomah County and .1 mile of the trail will extend into Clackamas County. The site is located in the Multiple Use Agriculture (MUA-20) zone. A Pre-Application (PA 32-99) Meeting for the proposal was held on December 17, 1999.

LOCATION: Beginning approximately at the intersection of SE Palmblad Road and Telford Road (and the existing Springwater Corridor Trail) and extending to the endpoint at the intersection of SE Rugg Road and SE 267th Avenue. See attached map.

- T1S, R3E, Section 23, Tax Lot 2800 at 5.73 acres (R#99323-0390).
- T1S, R3E, Section 23, Tax Lot 4600 at 4.08 acres (R#99323-0380).
- T1S, R3E, Section 24, Tax Lot 5100 at 3.56 acres (R#99324-0850).

**APPLICANT/
PROPERTY
OWNER:** Patty Freeman, Landscape Architect
For the City of Portland Parks and Recreation
1120 SW Fifth Avenue, Suite 1302
Portland, OR 97204-1933

HEARINGS OFFICER DECISION:

Approval with Conditions of the proposed Community Service use, CS 0-1, for the application for a "park" under the provisions of MCC 11.15.7020(A)(10). The proposed use of the ~~three~~-lot site is an extension of the existing Springwater Corridor Trail. The applicant proposes to extend the trail for approximately 1.2 miles in Multnomah County (1.3 total miles) on the site (R#99323-0390, R#99323-0380, R#99324-0850). The 13.37-acre site is located in the Multiple Agriculture (MUA-20) zone. The application materials meet the applicable Multnomah County Code provisions and Comprehensive Plan Policies. In addition, Staff recommends the applicant and the Hearings Officer consider whether an approval timeline of greater than two years is warranted for the proposal (see Condition of Approval #2).

APPROVAL CRITERIA:

ZONING ORDINANCE REQUIREMENTS:

MCC 11.15.2122 – Multiple Use Agriculture (MUA-20)
MCC 11.15.7005 - Community Service (CS)
MCC 11.15.7105 - Conditional Uses (CU)
Chapter 29.600 et seq. - Flood Hazard Regulations (FH)

COMPREHENSIVE PLAN POLICIES:

4 Intergovernmental Coordination
10 Multiple Use Agricultural Land Area
13 Air, Water and Noise Quality
14 Developmental Limitations
31 Community Facilities and Uses
38 Facilities
40 Development Requirements

CONDITIONS OF APPROVAL:

1. The applicant shall obtain a **Grading and Erosion Control (GEC) permit** for any activity authorized by this permit that involves a volume of 50 cubic yards of soil or earth. The activity "involves" soil or earth, for purposes of this condition, if the soil or earth is disturbed, stored, disposed of, excavated, moved, or used as fill.
2. Approval of this Community Service expires two years from the date of issuance of the Board Order on the matter unless "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3) or the subject proposal is completed as approved.
3. Prior to issuance of building permits for the approved use and prior to commencing any Improvement of the subject property, the applicant shall obtain approval of a **Design Review application** required by MCC .7820, Design Review. The provisions of MCC .7805 through .7865 apply to all Conditional Uses and Community Service Uses in any zoning district. The Design Review (DR) application shall include the applicant's responses to the criteria of the Design Review (DR) and the Off-Street Parking and Loading (OP) provisions of the Multnomah County Code and shall demonstrate compliance with the off-street parking requirements of MCC .6100 through .6148.

4. When ready to have land use or building permits signed-off, the applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, **for an appointment** to review and sign the plans. The applicant shall submit three (3) copies of the required plans. Once approved, Multnomah County will keep one (1) copy and two (2) copies will be returned to the applicant for building plans review with the City of Gresham.
5. The applicant shall obtain a **Floodplain Development Permit** for any development of the trail park, unless the applicant submits a **Floodplain Elevation Certificate** to the County that demonstrates that all development will occur one foot above base flood level or higher.
6. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the new application(s) have been paid in full.
7. **This approval is based on the material submitted to the County by the applicant.** The proposed use of the site for the extension of the existing Springwater Corridor Trail shall be done in accordance with the design, size, and location shown and described in the application materials submitted by the applicant in case files **CS 0-1, DR 0-1 and PA 32-99**, as modified by County conditions of approval. Additional submittals and approvals may be required of the applicant as noted in these Conditions of Approval if the applicant's plans for the project change in a way that is material to compliance with the approval criteria that governed review of this community service application.

STAFF AND APPLICANT COMMENTS:

Applicant:

To develop a new section of the Springwater Corridor about 1.2 miles long. This section runs from the intersection of the trail with Palmblad Road east to the intersection with Rugg Road in Clackamas County. This application shows the plan for the entire project, but includes property information for the portion in Multnomah County only. The entire project is 1.3 miles in length, with 1.2 miles within unincorporated Multnomah County.

The project involves constructing a bicycle, pedestrian and equestrian trail in the abandoned railroad right-of-way, now owned by Portland Parks & Recreation. The path will be built on the existing rail ballast, the gravel base on which the track was laid. A portion of the trail width varying from 7'6" to 9'6" will be paved, leaving a 5' gravel path for equestrian use. The intent of providing both paved and unpaved surfaces is to support bicycle commuting and touring, provide an accessible recreation opportunity in accordance with the Americans with Disabilities Act, and to provide a resource to the equestrian community as well who have expressed a need for an unpaved surface. Runners and walkers will surely use the trail as well, and have their choice of surface. The built trail will provide a porta-potty, bike racks, a horse hitching rail, benches and mileage markers. It will include trail signage similar to the existing bollard signage on the existing trail. The intersection of Palmblad Road with the trail has already been signed to ensure safe crossing for the trail users according to Multnomah County standards. The construction documents specify erosion control measures to prevent construction impacts.

The portion of the Springwater Corridor that is already built has been an enormous success, providing an amenity to adjacent lands while causing no negative impacts. An unusual and valued community resource, the corridor development clearly qualifies as a Community Service Use. Eventually, the corridor should connect the Eastbank Esplanade in downtown Portland to Boring, Oregon. The corridor is becoming the most comprehensive alternative transportation corridor in the metropolitan area. Over 150,000 people live within two miles of the corridor along its route. Rapid growth and increased

development pressure have resulted in increased traffic congestion and diminished open space in the Portland metropolitan area. The corridor will provide an alternative transportation route for the southeast metropolitan region. It will link employment centers to residential neighborhoods and natural resources. The corridor links numerous parks, natural areas, cultural and historic resources, and increases their accessibility to the public. It extends east of Boring to Estacada and continues to into the Mt. Hood National Forest with a connection to the Pacific Crest Trail. Cyclists currently using local roads will have a safer option, reducing vehicle conflicts and hazards. The corridor in its current undeveloped condition has limited access points, inaccessible surfacing, and numerous hazardous barriers and road crossings along its route. It is currently in use by many people in spite of these limitations. Public support and enthusiasm for the development of the corridor is extremely high. Citizen groups have formed in Portland, Boring, and Estacada in support of corridor developments. Since their formation in 1994, these groups have topped 150 members.

A brief history of the corridor:

1985 Portland, Multnomah County and Gresham pass a resolution committing to complete the 40-Mile Loop by 1995. Acquisition of the Springwater Corridor in 1990 provided the southern link to the 40-Mile Loop.

1989 Portland voters approve Parks Levy, including partial funding for the development of the 40-Mile Loop Trail System.

1990 Gresham voters approve Parks Levy, including partial funding for the development of the Springwater Corridor.

Corridor is rail-banked for "interim use" (first in Oregon) by the Interstate Commerce Commission, at the request of Portland, Gresham, and the Oregon Department of Transportation.

ODOT purchases the corridor with federal highway funds as part of the McLoughlin overpass project with the purpose of trail development by local jurisdictions.

1991 Portland and Gresham complete a coordinated master plan for the Springwater Corridor, adopted by the City Council November 1992.

Metro adopts the regional Greenspaces Master Plan, which includes a proposed system of regional trails. The Springwater Corridor is a key segment of the regional trails and greenways system.

1992-1997 Phased construction of trail in Portland and Gresham, from SE McLoughlin Blvd. to SE Palmblad Road.

Current project projections:

2000 Construction of the Palmblad - Rugg Road section of the Springwater Corridor.

2001 Construction of the SE Ivon - SE Umatilla section of the Springwater Corridor.

Additional Issues:

Floodplain regulations/ bridges: There are two bridges along the portion of the trail under review. These are crossings for Johnson Creek. They were existing railroad trestle bridges, built in 1902 that were

resurfaced when the railroad right-of-way was purchased, to make the railroad bed safe for interim use. They maintain the grade of the trail at the level of the top of the ballast, or railroad grade, so they keep creek crossings out of the floodplain. No construction on the plans includes work in the floodplain.

Parking:

In an attempt to address the special issue of parking for this project, it is important to clarify that this one-mile section of improvements to the existing trail is not a stand-alone project. The two roads that bracket the ends of the portion of trail under consideration are not the only access points, nor are they more or less important than any others along the full length of the trail. These locations will share the burden for providing trail access and parking with every other road intersection along the trail. The trail is used by walkers, runners, bicyclists, and people on horseback. Most of these users will not drive to an access point to begin their use of the trail, they will ride or run from home. Therefore, it is unlikely for the parking needs to be great on this portion of the trail. Given that, there are approximately eight off-street spaces near the trail intersection with Palmbled Road. These are resulting from a wide gravel shoulder, and are currently used by trail users. These will adequately meet the needs of users after the improvements are completed.

Staff:

Site and Project Description:

The subject three lots total 13.37 acres in size according to the Multnomah County Assessment and Taxation records. The lots are zoned Multiple Use Agriculture (MUA-20). The applicant proposes to extend the existing Springwater Corridor Trail for a distance of 1.2 miles within Multnomah County (1.3 miles overall). The trail extension will run in a southeasterly direction following the old railroad right-of-way, land now owned by the City of Portland. The trail essentially parallels SE Telford Road from Telford Road's intersection with SE Palmbled Road (where a portion of the Springwater Corridor Trail already exists) to Telford Road's intersection with SE 267th Avenue near SE Rugg Road. The trail, as proposed, varies in paved width from 7' 6" to 9' 6", with a 5' gravel path. As illustrated on the site sheet plan, L5, the overall trail width will vary from 14 feet to 16 feet. Johnson Creek runs parallel to the proposed trail extension. Two existing bridges cross Johnson Creek on the trail. The subject parcels are located outside of the Portland Metropolitan Urban Growth Boundary (UGB).

Applicant Proposal and Application Process:

The applicant request is for Community Service (CS) Use approval as a park. A CS is reviewed through the Conditional Use application process and is listed as a Conditional Use in the MUA-20 zone in the Multnomah County Code (MCC) under the provisions of 11.15.2132 (A). The Community Service Use for a park is listed in MCC 11.15.7020 (A)(10). It should be noted that the Conditional Use Approval Criteria in MCC 11.15.7120 are essentially the same as the Community Service Approval Criteria. The applicable Code sections for a Community Service approval for a park are included within this Staff Report.

Comprehensive Plan Policies:

The following Policies are applicable to this development proposal and are included within this document: 4, 10, 13, 14, 31, 38, and 40.

The applicant submitted a narrative response to Comprehensive Plan Policies 4, 10, 13, 14, 31, 38, and 40 on December 23, 1999. The required Service Provider forms have been submitted by the applicant at this

time. The applicable forms include: Police Services Review, Fire District Review, and the Certification of Private On-Site Sewage Disposal.

Design Review (DR):

MCC 11.15.7010, General Provisions of the Community Service section, subsection (F) requires "Uses Authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865. The Design Review criteria will be reviewed under the Design Review application, DR 0-1, submitted by the City of Portland in December 1999. It should be noted that the proposed development does not qualify for the exemptions to Design Review listed in MCC 11.15.7127. The DR application will be reviewed and issued separately from this decision.

Chapter 29.300 et. seq. Grading and Erosion Control (GEC):

"All persons proposing site grading:

- 1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 50 cubic yards;
- 2) Which obstructs or alters a drainage course; or
- 3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater, shall obtain a grading and erosion control permit as prescribed by this Subdistrict, unless exempted by 29.302 (B)(2) through (6) or (C) of this subchapter. Development projects subject to a hillside development permit do not require a separate grading and erosion control permit."

A Grading and Erosion Control permit will be required for the proposed extension of the trail based on the information provided by the applicant. The applicant shall describe the amount of earth material to be cut, filled, graded, or stockpiled on the site to accommodate the proposed extension of the Springwater Corridor Trail. The GEC criteria will be reviewed separately from the CS application.

Floodplain Hazard Regulations:

Staff and the applicant walked the 1.2-mile proposed extension of the Springwater Corridor Trail in Multnomah County on January 26, 2000. Both Staff and the applicant identified that the site is near and possibly within the Johnson Creek floodplain. The applicant statement for Comprehensive Plan Policy #13, submitted on December 23, 1999, states two existing bridges on the path cross the creek. The bridges, according to the applicant, were constructed for the railroad. Staff and the applicant examined the two bridges on the site visit during January 26, 2000.

According to the Multnomah County Code, Chapter 29, Building Regulations, *development* is defined as "Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the areas shown within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse." The applicant stated a verbal intent on January 26, 2000 to provide additional documentation to Staff that would substantiate the proposed trail work will not impinge upon the floodplain. Staff will review this information under the Design Review application and the Grading and Erosion Control application from the applicant to determine if a Floodplain Development Permit is required. A Floodplain Elevation certificate may be submitted by the applicant to substantiate the applicant's statement that the trail location is out of the floodplain (one foot above base flood level is required by FEMA). Please see the Staff comments under Comprehensive Plan Policy 14, subsection (C).

Hearings Officer: The hearings officer has required the filing of a Floodplain Elevation certificate or Floodplain Development Permit based upon the above Staff findings regarding the floodplain.

Applicable Multnomah County Code Provisions and Comprehensive Plan Policies

Multnomah County Code

Multiple Use Agriculture (MUA-20)

11.15.2122 Purposes

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

Applicant: This project fits into the expressed purpose of the MUA-20 zone by encouraging the use of the non-agricultural land, in this case an abandoned railroad right-of-way, for purposes that are listed in this code section, in this case outdoor recreation. We have responded to Community Service Use criteria to demonstrate the compatibility of this project to the location, surrounding uses, natural resource base, site conditions, and other County criteria.

Staff: The ~~three~~-lot site is zoned MUA-20 and the applicant has submitted narrative to address the Community Service criteria. Please see the Staff comments included within this Staff Report.

11.15.2124 Area Affected

MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

Staff: The three subject lots, identified as (R#99323-0390, R#99323-0380, and R#99324-0850), are zoned Multiple Use Agriculture (MUA-20) according to the zoning maps on file at Multnomah County.

11.15.2126 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.

11.15.2132 Conditional Uses

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

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;
[Amended 1982, Ord. 330 § 2]

Applicant: The recreational trail is a Community Service Use as outlined in .7020 Uses. The trail is a recreational facility similar to those listed under no.10.

Staff: The applicant has requested approval for a Community Service Use for a park. The Multnomah County Code provides for a "park, playground, sports area, golf course or recreational use of a similar nature" under Section .7020(A)(10) of the Community Service standards. In the MUA-20 zone, the request for a CS use is listed as a Conditional Use under Section .2132 (A). The applicant has submitted the appropriate application.

The approval authority for a CS use request is the Hearings Officer. The Hearings Officer will issue the final decision on this application, CS 0-1.

11.15.2134 Accessory Uses

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982. [Amended 1986, Ord. 543 § 2]

Applicant: Signs are considered an accessory use in this zone. There will be signage included in the trail improvement package under review. These are primarily street signage and traffic control signage as required for public safety at locations where the trail crosses other traffic. Within the Multnomah County section of the project there is one street crossing and six driveways that cross the trail. In addition there is trail signage on bollards. The detail showing how signs are mounted on bollards is detail 3 sheet L7 in the Project Manual submitted for review. Accompanying the application will be graphics demonstrating the sign design. It matches signage on the existing trail in Portland.

Staff: The applicant proposes 14 signs according to plan sheets L9 and L10. Sheets L9 and L10 are attached as Exhibits #9 and #10. The applicant has provided a graphic of the proposed sign graphic; it is attached as Exhibit #15. The applicant's narrative refers to detail 3 on sheet L7 to show how signs are mounted on bollards; this detail is attached as Exhibit #7. Sheet L8, attached as Exhibit #8, also illustrates the sign post shapes and sizes that will be typical along the trail. The signs proposed by the applicant are essential for communicating in regards to safety, distance traveled, and direction. The location of and design of signs will be further reviewed by Staff in the Design Review application, DR 0-1.

Signs will be installed on the site; the application meets the criterion.

(B) Off-street parking and loading;

Applicant: There is no new off-street parking and loading proposed for this project. The trail is primarily used by people walking, running, or bicycling from their homes. There will be people who drive to the trail and park, but the existing spaces at the intersection of Palmblad and Telford will provide sufficient parking for this location. See Policy 31(I).

Staff: The applicant states that no new parking will be established for this site. The site is not considered a trailhead to the Springwater Corridor Trail. There is an existing graveled area abutting the paved surface of Telford Road and the trail. That area could serve, and already does serve, as an informal parking area. The applicant's narrative description (pg. 5) states that the parking area provides space for eight (8) vehicles. Alan Young from the Multnomah County Right-of-Way Division, stated that it is ok to use the gravel area as an informal parking area. The applicant has obtained a permit from the Right-of-Way Division for modifications to the crosswalk and paving of Telford Road and Palmblad Road.

~~The application satisfies the off-street parking requirements.~~

Hearings Officer: This code section merely states that parking is an accessory use to uses allowed in the MUA-10 zone. It does not require parking nor does it establish requirements for parking areas. The need for parking and the amount and type of parking improvements required for this use, therefore, is not resolved by this decision and must be addressed during site plan review.

The hearings officer is concerned about the safety of the informal parking area on Telford Road. The area is, basically, unimproved and it appears that vehicles must back into Telford Road when leaving the park. The applicant advised the hearings officer that it provides 68 parking spaces at Hogan Road, about 1 mile from one end of the trail. This amount of parking sounds significant but the record plainly shows that trail users choose to park in the unimproved area along Telford Road. As the trail park use causes these vehicles to park in this location, the applicant should show during design review: (a) that the area will be improved to meet County parking lot standards and that the approval of the landowners/County have been obtained to authorize improvements; or (b) that the trail use is exempt from parking requirements; or (c) that other parking areas owned by applicant meets code requirements for parking and the applicant or County will take appropriate measures to close the Telford Road area to use; or (d) that the Telford Road parking situation meets all applicable zoning code standards. In the event the County finds that the applicant is not responsible for the Telford Road parking area, the hearings officer strongly recommends that the County take appropriate steps to assure motorist safety at this location by improving the area to add room for backing outside of the travel lanes of the roadway, closing the area to parking or requiring parallel parking only.

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and

Applicant: The proposed improvements include a slab for a porta-potty. Portland Parks and Recreation would like the option of providing a porta-potty on-site if the need is demonstrated. There has been much input to the Bureau regarding the need for more of these facilities. If the porta-potty was put in place, it would be provided by a service for the summer season, and cleaned by the same service.

Staff: Sheet L8, attached as Exhibit #8, illustrates the port-a-potty concrete slab. Sheet L9, attached as Exhibit #9, illustrates the location of the port-a-potty. The applicant, via phone conversation on February 1, 2000, stated that the City of Portland would monitor the activity along the newly extended Springwater Corridor Trail to see if a need exists for the placement of a port-a-potty on the trail. Sheet L9, attached as Exhibit #9, illustrates the location of the port-a-potty (if one is placed on the trail). The City of Portland requests permission to install the port-a-potty along the trail if a need is recognized. This request is based upon comments received from trail users of and experience with the existing portions of the Springwater Corridor Trail.

According to MCC 11.15.0010, the definition of *accessory building* is "A subordinate building, the use of which is clearly incidental to that of the main building on the same lot." According to The American Heritage Dictionary, *accessory* is defined as, "having a secondary, supplementary, or subordinate function," and *incidental* is defined as "of a minor, casual, or subordinate nature". Based on the definitions of *accessory building*, *accessory*, and *incidental*, as provided in the Multnomah County Code and in The American Heritage Dictionary, Staff finds the proposed port-a-potty is an accessory use but not an accessory building. There are no other buildings on the site. Without another building acting as the primary building, the port-a-potty can't be considered an accessory building. The primary use of the site is the trail. The criterion provides for structures or uses that are "customarily accessory or incidental" to the use permitted or

approved in the district. The structure and use are accessory and incidental.

The applicant proposes to install a port-a-potty on the site. The port-a-potty is incidental to the trail and is thus a structure that is incidental to the use of the ~~three-lot~~ site. Staff finds the criterion provides for the proposed use and hence the application meets the criterion.

11.15.2138 Dimensional Requirements

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.

Applicant: The lots do not conform to this size requirement. They were railroad right-of-way prior to their purchase by Portland Parks & Recreation in 1990. At that time they were broken into tax lots. A deed accompanies this application. See 11.15.2142 Lot of Record.

Staff: None of the three subject lots meet the minimum lot size of 20 acres.

Because the subject lots do not meet the minimum lot size of the zone, Staff has addressed the provisions of MCC 11.15.2142.

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

Staff: The applicant does not propose to vacate a street.

The criterion is not applicable to the proposal.

- (C) Minimum Yard Dimensions - Feet

Front Side Street Side Rear

30 10 30 30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

[Amended 1984, Ord. 428 § 2]

Staff: The applicant proposes to install trail signs and one port-a-potty. These structures will not exceed the height limit of the zone. Dimensional standards will be met.

The application meets the criterion.

Hearings Officer: The portable toilet location will be less than 35 feet in height. The toilet structure will be set back 40 feet from the nearest property boundary, thereby complying with the most restrictive yard requirement (30').

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine

the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

Staff: Multnomah County Right-of-Way Division does not require dedication of right-of-way for this proposal.

The criterion is not applicable to this proposal.

- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: The applicant proposes to install trail signs and one port-a-potty. These structures will not exceed the height limit of the zone.

The application meets the criterion.

- (F)** *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

11.15.2142 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.**

Applicant: The current configuration of the lot lines in this portion of the Springwater Corridor was established in 1990. At that time the property was purchased by Portland Parks and Recreation from the railroad. Prior to the purchase, the property was railroad right-of-way with no tax lot numbers. After the purchase, the lots, tax lot numbers and R-numbers were established for the right-of-way. The property was broken at map lines to create individual tax lots. In some cases the lot lines landed at a section or quarter-section line. In other cases they landed at a road right-of-way line. These were the only new boundaries that were created at that time, and were required by the County for the mapping and numbering system that is currently used.

(Additional narrative) According to the Multnomah County tax assessor's office, the current configuration of the tax lots was established at the time of the purchase of the lots from the railroad in 1990. Prior to that date they were not tax lots, but right-of-way. When they were purchased by the City of Portland, the County created tax lots using the right-of-way boundaries but breaking the land into tax lot pieces along map lines, such as sections and quarter sections. It is the same property, but broken into pieces that fit within map boundaries.

Staff: As the applicant has described above, the subject ~~three-lot~~ site is former railroad right-of-way land. The railroad right-of-way was established prior to October 6, 1977. The right-of-way was not assigned tax lot (R#s) designation by the Multnomah County office of Assessment and Taxation until the subject 13.37-acre site was sold to the City of Portland. The applicant has provided a copy of the deed for the ~~three-lot~~ site. That deed was signed by James L. Riney, President, Portland Traction Company, on February 23, 1990 and Wanda R. Warren, a notary public in the State of Oregon. The deed describes, "It is the intent of this deed to convey, subject to the above reservations, conditions, encumbrances, all of Grantor's rights in and to a continuous strip of land and right-of-way known as the Springwater Line from, at the west, the east end of the railroad bridge crossing the Southern Pacific mainline track immediately east of the

McLoughlin Boulevard in Milwaukie, Oregon, to and at the east, the south line of Dee Street in Boring, Oregon, except for a 1.4-acre parcel of land at Gresham which is not included in the Exhibit 'I' property description." The deed was recorded with the Multnomah County Recording office on April 11, 1990. The deed was also recorded with Clackamas County.

The tax lots involved in this proposed extension of the Springwater Corridor were not established until 1990, as described above. Prior to 1990, the said ~~three-lot~~ site was railroad right-of-way. The right-of-way was in "recordable" form prior to October 6, 1977 and satisfied applicable laws at the time. Staff finds the said ~~three-lot~~ site meets the criterion.

Hearings Officer: The above findings, alone, are insufficient to establish that the subject property is a lot of record. The hearings officer advised the applicant and staff of this fact at the land use hearing. The reason the findings are insufficient is that they fail to demonstrate the property is a parcel or parcels of land for which a deed creating the land was recorded prior to October 6, 1977. The only deed referenced in the findings was recorded in 1990 and prepared long after October 6, 1977.

In response to the Hearings Officer's concerns, the applicant provided copies of deeds from around the turn of the century (prior to 1910) that conveyed land to railroad companies. At the time, land division approval was not needed. The recording of a deed was all that was needed to successfully divide and transfer land. The applicant says that these deeds "are the lands that are included in the project under consideration." As such, the deeds show that the subject property consists of a number of historical lots that were created when landowners deeded land to the railroad. So, the "right-of-way" discussed above was not merely an easement right to cross land but it was a strip of contiguous narrow and long parcels of land that had been deeded to the railroad. As a result, the hearings officer finds that the parcels of land that make up the subject property are lots of record.

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.**

Staff: The Lot of Record has over 50 feet of frontage on a public road as the ~~three-lot~~ site abuts SE Telford Road for 1.2 miles.

The application meets the criterion.

- (C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.**

Staff: Neither a zoning district boundary nor a street intersects the Lot of Record involved in the application identified as CS 0-1.

The criterion is not applicable to the proposed development.

- (D) Except as otherwise provided by MCC .2140, .2144, .6256 and .7720, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

Staff: This criterion is included as informational for the applicant. The applicant proposes to

install trail signs on the site and to have a port-a-potty installed on the site. The port-a-potty and the trail signs are considered structures by the definition of *structure* in the Multnomah County Code (MCC 11.15.0010). However, signs are allowed to be within the property setback under the provisions of MCC 11.15.7964(F). Signage will be further evaluated by Staff through the Design Review application, DR 0-1.

The application is subject to this criterion, and it is provided as information for the applicant.

11.15.2144 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC .2132, except subpart (C)(1) thereof, shall be based upon:

(A) The site size needs of the proposed use;

Applicant: The lots comprising the portion of the Springwater Corridor that are under consideration are ideal in size for a trail use. Having been a railroad right-of-way, they are linear in nature, allowing enough space for the trail improvements and 50' of buffer on either side of the trail.

Staff: As described throughout this Staff Report, the applicant's proposed use of the ~~three-lot~~ site for the extension of the Springwater Corridor Trail, is an appropriate and allowed use in the MUA-20 zone. The long and narrow shape of the ~~three-lot~~ site is functional and efficient for the proposed use. The former railroad right-of-way land contains an existing path. That path will be improved as described by the applicant in the narrative and site plan materials submitted for CS 0-1. Site plan materials are attached to this report.

The site size needs of the proposed use are met by the use of the ~~three-lot~~ site; therefore, the application meets the criterion.

(B) The nature of the proposed use in relation to its impact on nearby properties; and

Applicant: As in A), the buffer between the developed trail and adjacent lots is adequate for the non-motorized use of the trail.

Impacts of horse manure on Johnson Creek water quality:

The affects of horse manure on the water quality of Johnson Creek are likely to be minimal. There is currently very little manure to be found at any time on the trail. With the proposed improvements, the equestrian use is likely to be reduced, because the heavy bicycle traffic on the trail deters some horseback riders. There is no evidence that the amount of horse manure that currently accumulates on the trail has any impact to the water quality of Johnson Creek. In most cases where DEQ is finding water quality impacts from animal manure, the animals have direct access to the stream and banks, and the manure is found in the stream. On this site the animals will have no access to the stream and banks. In most locations on the trail, runoff will pass through a great deal of gravel, vegetation and soil on its way to the stream. In addition, more than half the runoff from the trail (all of the runoff from the asphalt surface) will run away from the creek, so the runoff through the 5' gravel strip will be minimized by the design of the trail cross-section. If manure accumulation became a future issue, Portland Parks & Recreation will institute a clean up policy. The local equestrian community has indicated preliminarily a willingness to do volunteer cleanups in the future. Fortunately, this heaviest use is during the driest months, when

runoff is less frequent and the opportunity to remove manure before runoff takes excess nutrients to the stream is the greatest.

We envision retaining and restoring a vegetative buffer along the entire length of the trail which will provide filtration and slowing of the runoff on its way to the creek and its tributary. Erosion control seeding and additional native riparian vegetation on the stream banks at the crossings will provide filtration and sediment control. These measures should assist with the slowing and removal of nutrients in the runoff on its way to the creek.

We feel these measures will be sufficient to address the very minimal impacts of horse manure on this site. As we expect the quantity to diminish with the proposed improvements, we anticipate little problem.

Staff: Again, Staff has reviewed the applicant's proposed use and commented on the compatibility of the use with the surrounding property uses within the Multnomah County Code criteria and Comprehensive Plan Policies cited within this Staff Report.

The nature of the proposed use in relation to its impact to the nearby properties is minimal in terms of effects on noise, pollution, water, land, and air. The application meets the criterion.

(C) Consideration of the purposes of this district.

Applicant: The trail is a use supported in this plan district when shown compatible with the site, per 11.15.2122.

Staff: Both Staff and the applicant have considered the purposes of the MUA-20 zone and the Comprehensive Plan Policies vis-à-vis the proposed application for the extension of the Springwater Corridor Trail.

The application meets the criterion.

11.15.2146 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC .6100 through .6148.

Applicant: See Policy 31, I.

Staff: Please see the Staff comments regarding parking under Section 2134 (B).

Hearings Officer: Compliance with MCC .6100 through .6148 shall be demonstrated by the applicant during design review.

11.15.2148 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Applicant: The trail segment in question is accessed from its intersections with Palmbled Road and Rugg Road. It is also possible, in cases of emergency, to reach the trail from six driveways that come from Telford along this length of trail, cross the trail, and access privately owned lots.

Staff: The applicant site plans, attached to this report as exhibits, illustrate the location of the access to the ~~three-lot~~ site. The main access to the site is from the intersection of the existing Springwater Corridor Trail with Palmblad Road, and the intersection of the proposed trail extension (existing as a path) with SE Rugg Road. The applicant also states that six driveways access the trail.

The application has been reviewed by the Multnomah County Right-of-Way Division. The application meets the criterion.

Community Service (CS)

11.15.7005 Purpose

MCC .7005 through .7041 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter. [Amended 1983, Ord. 330 § 2]

11.15.7010 General Provisions

- (A) Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.**

Staff: The applicant has submitted the required application for the Community Service use and the application was filed appropriately with the Multnomah County Land Use Planning office. Subsections (B), (C), (D), and (E) are included as informational to the applicant.
The application meets the criterion.

- (B) Except as provided in MCC .7022(F) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension. [Amended 1982, Ord. 329 § 2]**

- (C) The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**

- (1) The project is completed as approved, or**
- (2) The Approval Authority establishes an expiration date in excess of the two year period, or**
- (3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:**
 - (a) Application shall be made on 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 findings 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.

[Amended 1982, Ord. 329 § 2 and 1990, Ord. 643 § 2]

- (D) A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.

[Amended 1982, Ord. 329 § 2]

- (E) In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.

[Amended 1982, Ord. 329 § 2]

- (F) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.

Staff: The applicant has submitted a Design Review application. The case file is identified as DR 0-1. Staff deemed the application for Design Review incomplete on January 28, 2000.

The application is subject to Design Review.

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

Staff: The request is for an approval for a use on a ~~three-lot~~ site that includes a number of lots of record. The request does not involve an amendment to the Zoning Map.

The criterion is not applicable to the proposal.

11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC .7035, and except for regional sanitary landfills which shall comply with MCC .7045 through .7070.

[Added 1984, Ord. 445 § 3]

Staff: The Community Service and Conditional Use approval criteria are essentially the same criteria, therefore, both the Staff and the applicant have addressed the Community Service criteria.

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

Applicant: The project is entirely consistent with the character of the area. The trail is an existing use of the property, and the project is intended to make it safer and more accessible. The natural character and the many parks and resources linked by the route make it play a role more significant than a recreation or alternate mode commuting route.

Staff: The ~~three lot site~~ subject property is the site of a former railroad transportation corridor. As described by the applicant, the site was abandoned for railroad use and the land was purchased by the City of Portland. The land was designated as part of the Springwater Corridor in 1990; at the same time the land was designated with tax lot identification numbers (R#s) rather than just as right-of-way. The site contains an existing path. This is the path the applicant proposes to improve to a 14 to 16-foot width of a trail. This application is to request approval to use the site as a park [Section .7020(A)(10)] as no previous approval to use the site as such as been obtained by the City. The character of the site is rural. The actual path (future trail) is bordered on both sides with both natural and invasive plant species. The ~~three lot~~ site is bordered by the paved surface of and the right-of-way of SE Telford Road to the west; and to the east are single-family residences. Photos from the Staff site visit on January 26, 2000 are included in the case file. A few photos of the site, taken by Staff during the January 26, 2000 site visit, are attached as Exhibit #16.

Staff finds the applicant's proposed extension of the Springwater Corridor Trail is consistent with the character of the area.

(B) Will not adversely affect natural resources;

Applicant: The trail will not adversely affect natural resources. Any potential impacts resulting from the construction may be easily avoided with simple, standard measures. The narrow strip of paving proposed is a minimal impact, with little accumulated runoff which can be handled adequately along the edge of the trail.

Staff: The proposed alterations of the path to make the path into a trail, an extension of the existing Springwater Corridor Trail, will meet the applicable criteria. The applicant will submit a Grading and Erosion Control permit for the proposed movement of earth materials. The activity will not adversely affect natural resources if the appropriate standards are complied with.

The proposal will not adversely affect natural resources.

(C) Will not conflict with farm or forest uses in the area;

Applicant: The trail will not conflict with farm or forest uses in the area.

Staff: The use of the site for a trail will not be in conflict with farm or forest uses in the area. The trail is buffered by vegetation. The site has historically been used for a railroad transportation corridor. The impact of the use of the trail for bicycle, equestrian, and pedestrian uses will be less than those of a railroad. The site itself is not an economically-viable farm site.

The application meets the criterion as the proposed use will not conflict with farm or forest uses in the area.

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

Applicant: The improvements will increase use on the trail, but in other ways will not require more services than are currently required for the existing trail. It will make access easier for emergency vehicles by paving a drivable width and by grading and compacting a gravel shoulder and the 5' equestrian lane.

Staff: No other services are to be programmed to the site to accommodate the proposed extension of the Springwater Corridor Trail.

The application meets the criterion.

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

Applicant: The trail does not cross a big game winter habitat area. Greg Robarts of Oregon Department of Fish and Wildlife has verified this information.

Staff: The site is not part of the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife.

The application meets the criterion.

(F) Will not create hazardous conditions; and

Applicant: The trail improvement project will reduce existing hazardous conditions on the existing trail. The intersection improvements on SE Palmblad Road and SE Rugg Road will make the crossings safer. These include pedestrian advance warnings, pedestrian crossing signs at the crossing, highly visible crosswalk stripping, stop and road signs on the trail. The paving will make the surface smoother and useable by wheelchairs. The heavier use will make the trail less isolated and safer for individuals.

Staff: The proposed development will improve the level of safety for the public road intersections with the trail. The widening, paving, and graveling of the existing path will improve the safety of the site. Vegetation on the site will be retained with a work program to eliminate the invasive plant species along the trail. The grading activity proposed for the ~~three-lot~~ site will be minimal for the 1.2-mile trail length and will include the appropriate installation of erosion control measures. The applicant will submit a Grading and Erosion Control permit.

The application meets the criterion.

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

Applicant: Included in this application are responses to the applicable policies in the Comprehensive Plan as identified by planning staff. In addition, it is worth noting that the trail is designated as an Oregon State Recreational Trail in the States Comprehensive Outdoor Recreation Plan (SCORP). The SCORP also notes that 41 percent of the state's bicyclists reside in the Portland metropolitan area with only 14 percent of the designated bikeways. In recreational surveys in both Portland and Gresham, 70 percent of adjacent residents favored development of the corridor for recreation. Of those that did not favor development, 90 percent

said that they would still use the corridor if it was developed. Nature walking, bicycling and jogging were the most desired recreational opportunities. The gentle grade and presence of Johnson Creek along the corridor make it ideally suited to meet these needs.

Staff: The applicant has submitted narrative to address the required Comprehensive Plan Policies as identified by Staff at the Pre-Application Meeting on December 17, 1999.

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

[Amended 1982, Ord. 329 § 3; 1982, Ord. 330 § 2]

Applicant: NA.

Staff: Staff has addressed the other applicable approval criteria for the CS application within this Staff Report.

11.15.7020 Uses

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

[Amended 1997, Ord. 876 § 2]

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

Applicant: The trail is similar to a park or other recreational facility and is permitted in any district when approved at a public hearing by the approval authority.

Staff: The applicant has requested approval for the use of the ~~three-lot~~ site for the extension of the Springwater Corridor for 1.2 miles (1.3 total miles) in Multnomah County. The requested use is considered a park or recreational use of similar nature. The applicant has submitted the appropriate land use application, CS 0-1, for the request. The Hearings Officer will hear the case at a public hearing on February 16, 2000.

11.15.7025 Restrictions

A building or use approved under MCC .7020 through .7030 shall meet the following requirements:

(A) Minimum yards in EFU, CFU, F-2, MUA-20, MUF, RR, RC, UF-20, UF-10, LR-40, LR-30, LR-20, LR-10, R-40, R-30, R-20, and R-10 Districts:

(1) Front yards shall be 30 feet.

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

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

- (E) Off-street parking and loading shall be provided as required in MCC .6100 through .6148.
- (F) Signs for Community Service Uses located in districts in MCC .2002 - .2966 pursuant to the provisions of MCC .7902 - .7982.
[Amended 1986, Ord. 543 § 2]
- (G) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.
- (H) *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

Staff: The above criteria regarding yard setbacks, parking, signs, and accessory uses and structures have been addressed under the Staff comments for Sections .2122 to .2148 in the MUA-20 zone.

Design Review

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:

Staff: The applicant has submitted a Design Review application identified as case file DR 0-1. The application for Design Review was deemed incomplete January 28, 2000.

Signs

11.15.7904 Applicability and Scope

This Chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not restrict, limit or control the content or message of signs. The regulations of this Chapter apply to all zones. The regulations of this Chapter are in addition to all other regulations in the Multnomah County Code and State Building Code applicable to signs.

Staff: The applicant site plan information indicates that fourteen (14) signs are proposed with this application for the 1.2-mile stretch of trail in Multnomah County. Exhibit #15 is a graphic provided by the applicant that illustrates the proposed signs for the site. Exhibit #9 and Exhibit #10 illustrate the location of those signs. Staff will further review the proposed signs for the site under the Design Review application, DR 0-1. At this time, Staff recommends approval to the Hearings Officer for the location and type of signs to be placed on the site [signs are accessory use as established under Section .2134 (A)]. The decision for DR 0-1 would serve as the sign permit for placing the signs on the site. Within this Staff Report, Staff has included portions of the sign regulations from the Code.

The applicant will comply with all applicable sign standards. The application meets the criterion.

11.15.7906 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, as required by MCC 11.15.8715, must be approved prior to erection of the sign.

Staff: See Staff comments in Section .7904.

11.15.7962 Applicability

All signs allowed under the base zone provisions must comply with the development regulations of the following Sections.

11.15.7964 Sign Placement

(A) Placement

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

(B) Frontages

Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

(C) Vision Clearance Areas

- (1) No sign may be located within a vision clearance area as defined in subsection C.2. below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.**
- (2) Location of vision clearance Areas – Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 45 feet from the intersection of the vehicle travel area (See Figure .7900B). The height of the vision clearance area is from three feet above grade to ten feet above grade.**

(D) Vehicle Area Clearances

When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

(E) Pedestrian Area Clearances

When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

(F) Required Yards and Setbacks

~~Signs may be erected in required yards and setbacks.~~

(G) Parking Areas

- (1) Unless otherwise provided by law, accessory signs shall be permitted on parking areas in accordance with the provisions specified in each district, and signs designating entrances, exits or conditions of use may be maintained on a parking or loading area.**
- (2) Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area.**

COMPREHENSIVE PLAN POLICIES

POLICY 4: INTERGOVERNMENTAL COORDINATION

It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:

A. That it is not the County's primary role to provide urban services;

Applicant: The City of Portland will maintain this section of the trail and therefore this project will not require the County to provide additional services resulting from trail improvements.

Staff: The applicant states that the City of Portland will construct and maintain the proposed extension of the Springwater Corridor Trail. The County will not provide urban services for the endeavor.

B. That the County's Comprehensive Framework Plan and component community plans and implementing ordinances will be the primary plan for unincorporated areas until, and during, any jurisdictional transition;

Applicant: The Springwater Corridor was not included in the County's framework plan because the last iteration of the plan was dated 1980 and the land was banked in 1990. The framework plan for this area is currently being reworked, and will not be completed in time for this review. However, the trail is a key component of Metro's Regional Greenspaces Master Plan, which includes Multnomah County.

Staff: The Multnomah County Comprehensive Plan Policies support the recreational needs of the rural communities. Currently, the West of Sandy River Rural Area Plan is in the process of identifying the needs of this part of the community in unincorporated Multnomah County.

C. The County has a responsibility to support the planning process for unincorporated areas; and

Applicant: Portland Parks and Recreation and Metro have taken the trail plan through a public planning process involving several meetings and mailings. The immediate neighbors and stakeholders, including the local equestrian community, were involved in this process. The trail will

not provide or require urban services, but will provide for regional recreation and alternative commuting needs.

Staff: Based on the applicant's narrative and conversation with the applicant throughout the review of case file CS 0-1, Staff recognizes the work the City of Portland has done to prepare this proposal. This extension of the Springwater Corridor Trail will serve a wide variety of "stakeholders" as identified by the applicant. Multnomah County supports the work the City of Portland has done.

D. Establish and participate in a cooperative process to address the future of urban service provision issues.

In addition, it is the County's policy to support:

1. Accountability and responsiveness to regional and countywide needs;

Applicant: The Springwater Corridor provides a regional service, connecting many jurisdictions and providing recreational and alternative transportation options in an area under-served by recreational trails. This section of the trail is a key link to the smaller rural communities in Clackamas County.

Staff: Recreational uses and facilities are needed for both the urban and rural communities in the Portland metropolitan area. This proposed extension of the Springwater Corridor Trail will provide both urban and rural communities with a recreational facility and a means of alternative transportation.

2. The identification and maintenance of the urban growth boundary as adopted by METRO;

Applicant: The trail does not conflict with the urban growth boundary, as it is not land development in the traditional sense.

Staff: The applicant's proposal to extend the existing Springwater Corridor Trail will not impact the urban growth boundary in terms of the identification and maintenance of the boundary.

3. The delivery of services necessary countywide and in the areas outside the urban growth boundary;

Applicant: The trail will provide for the recreation needs in the county outside the UGB and provide a link to the more urbanized areas. The trail will eventually link Downtown Portland and all communities between to the Pacific Crest Trail.

Staff: Recreational spaces and facilities are identified as needs for both urban and rural communities. The applicant has already stated that the extension of the trail will not provide or require urban services. The Springwater Corridor Trail will exist both inside and outside of the urban growth boundary of the Portland metropolitan area.

4. Joint development projects with the private sector which target public investments (fiscal or regulatory) to the support of countywide benefit and which fulfill pertinent community plans; and

Applicant: This project is not a private/ public sector joint venture.

Staff: This project is a public sector venture.

5. **The attempt to preserve the integrity of the land use policies of any County Comprehensive Plan element that may be affected by the actions of another jurisdiction where those actions may have “off-site” effects.**

Applicant: This project does not undermine County land-use policy.

Staff: This project, as proposed by the City of Portland, is to extend the Springwater Corridor Trail for 1.2 miles within Multnomah County. The project preserves the integrity of land use policies identified in the Multnomah County Comprehensive Plan Policies.

POLICY 10: MULTIPLE USE AGRICULTURAL LAND AREA

The County’s policy is to designate and maintain as multiple use agriculture land, areas which are:

- A. **Generally agricultural in nature, with soils, slope and other physical factors indicative of past or present small scale farm use;**

Applicant: Because the trail is being built in an abandoned rail right-of-way, it is only modifying the historical use of the property to make it more suited to the surrounding uses by eliminating the noise and high speeds of the train. The right-of-way has never been an agricultural land use.

Staff: The ~~three-lot~~ site is zoned MUA-20, an agricultural land use zoning designation. As stated by the applicant, the site has historically been used for a railroad transportation route. The route is no longer used by the railroad and now the City of Portland proposes to use the site for the extension of the Springwater Corridor Trail. Given the historical use of the site as a transportation corridor and not as an agricultural site, Multnomah County supports the use of the site as part of the Springwater Corridor Trail.

- B. **Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use;**

Applicant: The adjacent land includes a great deal of residential use. The lots are smaller than would be required for farming use, particularly the rail corridor. The land on which the trail lies was broken into tax lots from a railroad right-of-way, and the parcels are 3-1/2 to 6 acres.

Staff: The applicant correctly states that much of the property adjacent to the ~~three-lot~~ site is used for residential use. The subject ~~three-lot~~ site is long and narrow and totals 13.37 acres in size. It would be a very challenging site to use as a commercial agricultural site. The use of the site as a recreational corridor is a non-agricultural use.

- C. **Provided with a higher level of services than a commercial agricultural area has; or**

Applicant: The trail provides a higher level of service than a standard agricultural zone might normally expect. The development of a recreational trail recognizes the transitional nature of this land and the need for community services.

Staff: Given the size and shape of the ~~three-lot~~ site, it would be difficult to use the site as an economically viable farm. The use of the site as part of the Springwater Corridor Trail provides both urban and rural communities with a recreational site. The site continues to act as a transportation corridor though it no longer serves as a railroad transportation corridor.

D. In agricultural or micro-climates which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.).

Applicant: The rail bed on which the trail will be built is just above the 100-year floodplain for Johnson Creek. The right-of-way outside the rail bed is partially within the floodplain. The trail will be built on rail ballast, the gravel bed that has been compacted by trail use since the last turn of the century. While this ballast is the perfect location for a trail, it would in no way provide a suitable condition for agriculture. The trail is a natural use of this land.

Staff: The applicant has stated the trail itself is outside of the 100-year floodplain. The right-of-way for the trail is part of the 100-year floodplain. The trail will be built on the rail ballast and the rail ballast is out of the 100-year floodplain. Staff walked the site on January 26, 2000 with the applicant. The area of the trail is currently compacted vegetation and also consists of fill material and asphalt. The site would be a challenging site for economically viable farming. The past use of the site as a railroad transportation corridor lends itself to the current proposed use as a transportation corridor for non-railroad activity. The applicant proposes improvements to the site and will maintain the site in good repair.

The County's policy, in recognition of the necessity to protect adjacent exclusive farm use areas, is to restrict multiple use agricultural uses to those compatible with exclusive farm use areas.

POLICY 13: AIR, WATER AND NOISE QUALITY

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan: [Amended 1999, Ord. 933 § III]

1. Building placement on the site in an area having minimal noise level disruptions.

Applicant: Development of alternative transportation opportunities is a positive way to reduce air pollution. The proposed improvements to the trail would increase opportunities to use the existing trail as a bicycle transportation route. The trail will not increase water pollution. Trail improvements may potentially increase runoff by paving a narrow strip within the corridor. This is likely to be a minimal change from existing conditions because compacted crushed rock that has been in place for 50 years or more (the existing rail base) has had a long opportunity to infiltrate with silt, thereby rendering it nearly impervious. Erosion methods can prevent the trail construction process from increasing siltation of nearby Johnson Creek. The grading required to prepare the surface for the trail should not harm nearby water conditions as long as proper measures are in place. These are specified in the existing contract documents and our construction management staff is well-versed in the risks and requirements. The trail runs generally parallel to Johnson Creek with two existing bridge crossings. The trail pavement will simply end at the existing bridge surface, minimizing disturbance near the creek.

Staff: The applicant proposes to place only one building on the ~~three lot~~ site - a port-a-potty. The applicant states that the structure will not be located there on a year-round basis. According to the applicant, the port-a-potty will only be placed on the site if the need for the port-a-potty is identified. The City will monitor the trail use and the comments received from trail users for one to two years

before deciding whether to install the port-a-potty on the site. The applicant states that a service would handle the cleaning and maintenance related to having the port-a-potty on the site. The applicant's proposed grading activities and proposed erosion control measures will be evaluated under the Grading and Erosion Control permit that the applicant will submit to the County. According to the applicant, a minimal amount of grading will occur given that the pathway basically exists and will be improved rather than built from a non-existent path. Staff will also evaluate the potential water run-off issues under the Grading and Erosion Control permit.

2. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.

Applicant: The increased usability of the trail will be likely to increase the noise generated to some degree. The property owners are currently experiencing regular use of the trail. It is likely that on the days of heaviest use the trail will become somewhat noisier, but the levels should remain within a reasonable level for the surrounding use as the trail cannot be used by motorized vehicles. The trail is buffered from adjacent residential uses, as well as from the Telford right-of-way by existing naturalized vegetation, which will assist in distancing the neighbors from the trail.

Staff: The ~~three-lot~~ site of the trail is buffered on both sides as described by the applicant. Vegetative screening exists between the trail and Telford Road. Vegetative screening exists between the trail and the residential lots to the east but adjacent to the trail. The vegetative buffer establishes a visual screen between the trail on the adjacent properties. The vegetative buffer also acts as a noise buffer. No quantitative data has been submitted by the applicant on the noise levels of the ~~three-lot~~ site. Staff does not request such data be submitted. A reasonable estimate of noise along the trail, as described by the applicant, is sufficient for the response to this criterion.

[Amended 1999, Ord. 933 § III]

POLICY 14: DEVELOPMENT LIMITATIONS

The County's policy is to direct development and land form alterations away from areas with development limitations, except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

A. Slopes exceeding 20%;

Applicant: The site is an existing railroad corridor that has been abandoned by the railroad and has been used informally as a trail for many years. The route is nearly flat as is required for a railroad, and the rail bed is nearly the width and grade needed for trail construction. Only minimal grading and disturbance will be required.

Staff: The ~~three-lot~~ site is not identified as part of the Multnomah County Slope Hazard Map. The soil types for the site, based on review of the Soil Survey of Multnomah County, OR, do not exceed 20% in slope.

B. Severe soil erosion potential;

Applicant: The existing base for the trail is the railroad ballast, a heavy crushed rock that was used to lay the rails. It has been heavily compacted by years of use, traffic and weather, and is a highly stable material suited to providing a base for construction. The gravel rail base is the only material that will be moved and graded for the trail construction.

Staff: According to the Soil Survey of Multnomah County, OR, the hazard of erosion is slight for all of the soils identified as part of the ~~three-lot~~ site.

C. Land within the 100 year flood plain;

Applicant: The railroad ballast was built up from the surrounding grades to elevate it above flood levels historically. It is clear from the flood plain mapping that the ballast is the only strip of land above the flood plain for several hundred feet. The flood plain is shown crossing the trail for a short distance at one point, but the likelihood is that this is inaccurate, because the rail bed maintains an almost constant grade. It is not a problem for trail construction to be sited in a floodplain, and this is not an uncommon condition for this sort of trail. The Salmon Creek Trail in Clark County is an example of a trail that is actually seasonally flooded.

Staff: Staff reviewed the Federal Insurance Rate Maps (FIRM) maps and the Flood Boundary & Floodway Maps on file at the County (community-panel numbers # 410179-0409A and # 410179-0407A) for the subject ~~three-lot~~ site. The maps indicate the site is within the flood boundary. The applicant states it is unlikely that the rail bed is within the floodplain. Staff stated at the Pre-Application Meeting that a Floodplain Development may have to be submitted by the applicant for the proposed development. Staff anticipates further floodplain information for the site will be submitted by the applicant for the review of the Design Review case.

Under the provisions of Chapter 29.603, "No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County". The definition of *development* is provided in 29.601 as, "Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse." It should be noted that Chapter 29.604 provides, "Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level."

D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;

Applicant: As in C, high water is not a problem for trail construction. The rail has been existing for many years and is a highly stable condition.

Staff: The water table is at a depth of 30 to 48 inches from December to April for soil type 10B. For soil types 34A and 34B, the water table is at a depth of 18 to 24 inches from December through April.

E. A fragipan less than 30 inches from the surface;

Applicant: No soil conditions exist which limit our ability to develop this trail.

Staff: The fragipan is at a depth of 60 inches for soil types 10B, 34A, and 34B.

F. Land subject to slumping, earth slides or movement.

Applicant: See B above.

Staff: The Soil Survey of Multnomah County, OR does not mention a susceptibility for slumping, earth slides, or movement for the soil types on the subject ~~three-lot~~ site.

POLICY 31: COMMUNITY FACILITIES AND USES

Applicant: The Springwater Corridor is a Community Facility not included for consideration in Policy 31, so many of the specifics of this policy may not be entirely applicable. However, the project certainly supports this policy in spirit and intent, and causes no undue community burden in terms of transportation and parking needs.

Staff: The applicant has provided a narrative to address the criterion of Policy 31 and Staff has provided responses, within this Staff Report, to the applicant statements.

The County's policy is to:

A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.

Applicant: This community facility reinforces the identity of the community by developing a facility that serves the recreational needs of the immediate neighbors and the larger region. The character of the trail development is suitable for the rural character of the area.

Staff: The applicant has stated that no urban services will be provided to the ~~three-lot~~ site. The use of this ~~three-lot~~ site is functional and efficient in terms of this criterion as the use of the site as a recreational trail will provide both urban and rural communities with a recreational facility and a path for alternative transportation (bikes and horses for example).

B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.

Applicant: The location of the trail reinforces the orderly and timely provision of public services. The trail currently exists and the proposed project only brings it up to safety and accessibility standards. There has been a community need, and the project attempts to meet this need in a timely manner. The trail location is the historic location of the train, and the current location of the unimproved trail. As such, it is the only location possible for this improvement.

Staff: The use of the old railroad right-of-way for the proposed trail extension is an efficient and functional use of the land. The subject ~~three-lot~~ site, as has been discussed, would not likely be an economically viable site for agricultural use. The applicant is applying for approval for the use of the site as a park or other recreational facility. The application is a Community Service use. The Hearings Officer will issue a determination, after the public hearing that is scheduled for February 16,

2000, as to whether or not the application meets the required standards. As can be discerned from this Staff Report, Staff recommends the Hearings Officer approve the application.

C. Encourage land use development which supports the efficient use of existing and planned community facilities.

Applicant: The development of trail improvements is an efficient use of an existing trail. It will make the trail usable to a larger spectrum of the population.

Staff: The applicant is requesting approval to use the site as a park or other recreational use, see Section .7020 (A)(10). The applicant's ~~three-lot~~ site is identified in city, regional, and state documents as part of an extensive trail system. The use of the old railroad transportation corridor as a transportation corridor for pedestrians, bicycles, and equestrians, is a functional and efficient use of the site.

D. Support the development of a unified approach to long-range community facilities planning and capital investment programming in Multnomah County.

Applicant: The trail has been an excellent example of a unified approach to long-range community facilities planning. The trail has been planned in good spirit since the days of the Olmsted Brothers, and enhances their original concept of the 40-mile loop. In addition, the trail involved many years of cooperation on the part of many government agencies who planned cooperatively to provide a regional recreation opportunity.

Staff: The planning of the Springwater Corridor Trail has, as the applicant states, involved many jurisdictions. The long range plan to link a variety of trails in the Portland metropolitan area is coming true as more trails are constructed in the metro area. The proposed 1.2-mile extension of the Springwater Trail for the portion of the trail in unincorporated Multnomah County is part of the overall plan for a regional trail system.

E. Classify community facilities according to their function and scale of operations.

<u>Scale</u>	<u>Type of Facilities</u>

Minor Regional	Cemeteries Regional Parks Boat Launches Marinas Recycling Centers Half-Way Houses General Aviation Airports

Applicant: This facility might be most reasonably classified as a Minor Regional Facility according to the chart in the Comprehensive Plan. It is a regional trail.

Staff: The applicant states that the proposed trail extension could be categorized as a Minor Regional Facility. Staff concurs that classification is the most appropriate based on the standards of this Comprehensive Plan Policy.

F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts. Site slope requirements by scale are:

<u>Scale</u>	<u>Average Site Slope Standard</u>
Minor Regional	6%

For sites with average slopes steeper than the standard, the developer must be able to demonstrate that through engineering techniques, all limitations to development and the provision of services can be mitigated.

Applicant: The trail location, on top of the existing railroad ballast, slopes an average of 2% longitudinally. Therefore, it is a suitable location for this type of facility.

Staff: The applicant states the average site slope standard is 2%. The development is proposed for a site that is well below the slope standard identified in this Policy.

G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:

<u>Scale</u>	<u>Vehicular Access Standards</u>
Minor Regional	Direct access to a collector street and no routing of traffic through local neighborhood streets. Public transit available within 1/4 mile.

Applicant: NA.

Staff: The applicant does not propose to designate the site as a trailhead. The applicant does not propose a parking lot. The site has an existing gravel area that can be used for parking (and in fact, typically it is used) for persons accessing the Springwater Corridor Trail at this location.

Hearings Officer: This approval criterion is applicable. The property has direct access to two collector streets: Palmblad Road and Telford Road. Public transit provided by Tri-Met is available within ¼ mile.

H. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion, considering the following:

1. Roadway capacities.
2. Existing and projected traffic counts.
3. Speed limits.
4. Number of turning points.

Applicant: The facility in question is a transportation system and the Comprehensive Plan policy must be applied differently in the case of a regional bicycle path. The trail is intersected at

frequent intervals by collector streets, which make for convenient access points. For the most part, users will ride their bicycles to the trail from home, and these road crossings make for easy neighborhood scale access points. The only crossing within the portion of the trail in question is at Palmblad Road, but just outside of Multnomah County in unincorporated Clackamas County is a road crossing at Rugg Road.

Occasionally people will drive to the site and park on the road site. There are approximately eight off-street parking spaces, more than sufficient to serve the trail at this location. This particular street crossing is not a key location, just one of many, and as such will carry no more of the parking burden than most.

Staff: Staff visited the site on January 26, 2000 and walked the length of the trail. The ~~three-lot~~ site contains several intersections with driveways. As the applicant has described, the proposed trail extension is bordered by two intersections - the intersection of SE Palmblad Road and SE Telford Road, and the intersection of SE Telford Road with SE Rugg Road. The existing gravel parking area will provide sufficient parking area for anticipated users of the trail. At the intersection of SE Palmblad Road with SE Telford and the Springwater Corridor Trail, a crosswalk has been marked on the street. Signs provide visual cues to vehicular traffic that this is a pedestrian/ bicycle/ equestrian crossing. The applicant proposes improvements to the existing crosswalk markings and signage. See Exhibit #9 and Exhibit #10 for additional information.

I. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.

Applicant: The proposed trail improvements are unlikely to impact roadway capacity or traffic counts on nearby roadways. The speed limits and turning points should not be an issue. The project will only serve to ameliorate any perceived safety problems on the trail and at trail intersections with public roads. We have received a permit from Multnomah County Right-of-Way division for improvements in the Palmblad right-of-way to improve safety at the crossing. The trail improvements also address safety issues at private driveways that intersect the trail.

Staff: The applicant's proposal uses an existing (but no longer used for that purpose) railroad transportation corridor. The ~~three-lot~~ site is a former railroad right-of-way that is now owned by the City of Portland. The use of the site as a trail for pedestrian, bicycle, and equestrian use is a use that maximizes energy conservation, user convenience and pedestrian and bicycle access to the site. The subject site fits the criterion description quite well.

J. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards codified in MCC 11.15.7805-11.15.7865.

Applicant: Springwater Corridor improvements certainly comply in intent with this policy. The layout is based on the existing rail bed, and the trail is already in place, so much of this was predetermined. It is the primary purpose of the trail to facilitate pedestrian and bicycle access to the trail, and from the trail to many points near the trail and far from the trail. The trail will become for some users the route for bicycle commuting, and as such will facilitate energy conservation by enabling people to reduce motor vehicle use.

Staff: The use of the existing path minimizes the impacts of site development on adjacent properties and the community. As has been stated throughout the review of the proposal, the ~~three-lot~~ site is a former railroad transportation corridor. With the abandonment of the use of the lots for the railroad, the land was purchased and designated as part of the Springwater Corridor Trail. A minimum amount of grading and other site improvements will occur to bring the trail up to the required standards. According to the applicant, the trail will meet ADA standards. The applicant has submitted the Design Review application. A decision on the case file identified as DR 0-1 will be issued after the Hearings Officer issues her decision on CS 0-1.

K. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.

Applicant: The improvements to the existing trail minimize the impacts to the adjacent neighbors by minimizing the impacts to existing vegetative screening along the trail. The trail improvements are simple and low-key, and the signage is small, attractive and low impact. Examples of signage design have been included for review. The signs will be installed on attractive wood bollards, and the detail for the bollard is included in the document set. The project complies with other applicable policies as indicated by responses to other policies which have been submitted previously.

Staff: The applicant has addressed the applicable standards. Staff has made findings, throughout this Staff Report, that the proposed development meets the criteria of the Multnomah County Code and the Comprehensive Plan Policies.

POLICY 38: FACILITIES

It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure: *[Amended 1999, Ord. 933 § III]*

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

Police Protection

- D. The proposal can receive adequate local policy protection in accordance with the standards of the jurisdiction providing police protection.**

Applicant: The project has been through a series of public meetings open to all concerned public agencies. Because there is no improvement included in this project that will require the services of the fire district, police or schools, we did not receive feedback from those agencies. The use of the trail will likely increase as a result of the improvements, but with the addition of pedestrian crossings, signage at driveways and the paved surface, risks should be greatly reduced. The secluded nature of the trail corridor makes the heavier use a safety advantage. In addition, clearly delineating a 5' wide portion of the trail for horses will facilitate their use and help with separating them from other users which also helps minimize risks.

Staff: The applicant has submitted Service Provider forms for: Fire District Review, Police Services Review, and Certification of Private On-Site Sewage Disposal. Neither the Fire District nor the Sheriff's Office had concerns about the proposed extension of the trail. The City of Portland Septic and Sanitation representative, Mike Ebeling, provided the following comment on the Certification of Private On-Site Sewage Disposal, "No land feasibility study required, just a letter of authorization required with copy of contract to service portable toilet." The application meets and will meet the requirements of the criterion of Policy 38.

POLICY 40: DEVELOPMENT REQUIREMENTS

The County's policy is to encourage a connected parks and recreation system and to provide for small private recreation areas by: *[Amended 1999, Ord. 933 § III]*

- A. Requiring the dedication of pedestrian and bicycle path connections to parks, recreation areas and community facilities where appropriate and where designated in the Bicycle Corridor Capital Improvements Program and map. *[Amended 1999, Ord. 933 § III]***

Applicant: Already the trail, in both its paved and unpaved sections, is functioning as a link between parks, natural areas, neighborhoods, businesses, and several jurisdictions. With the paving of the trail comes the opportunity for it to be used by disabled persons and bicycle commuters, or people with road bikes as opposed to just mountain bikes. The expanded use allows the trail to provide a valued recreation opportunity to a larger percentage of the public and for a greater variety of uses. The eventual potential link to the Pacific Crest Trail makes this a unique project in providing for region-wide connections to parks and recreation opportunities, and this is certainly the way the existing paved portion of the trail is functioning.

Staff: The applicant's proposed 1.2-mile (total 1.3 mile) extension of the Springwater Corridor Trail in Multnomah County will serve as a link in the Springwater Corridor Trail and as a link to other trails in the metropolitan area. Throughout her narrative, the applicant has described the importance of these trail linkages. The City of Portland will construct and maintain the trail. The trail will serve as a recreation site and as link for pedestrian and bicycle paths as required by this Policy.

- B. Requiring landscaped areas with benches in commercial, industrial and multiple-family developments where appropriate. *[Amended 1999, Ord. 933 § III]***

Applicant: The trail will provide benches periodically along its route.

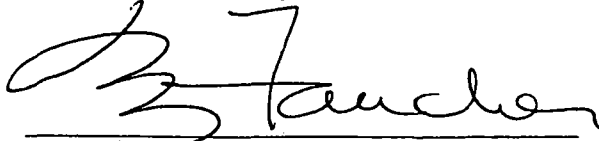
Staff: The applicant will provide benches along the trail. The site is zoned agricultural (MUA-20).

- C. Requiring areas for bicycle parking facilities in development proposals where appropriate. *[Amended 1999, Ord. 933 § III]***

Applicant: Bicycle parking is included in the trail design.

Staff: Bicycle parking is provided. The site plan sheet L9, attached as Exhibit #9, illustrates the location of the bicycle parking.

SIGNED this 11th day of March 2000.



Liz Fancher, Hearings Officer

Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$500.00 plus a \$3.50 - per- minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 1600 SE 190th Ave., (in Gresham) or you may call 248-3043, for additional instructions.

Case File: CS 0-1

Location:

T1S, R3E, Section 23, Tax Lot 2800 at 5.73 acres (R#99323-0390).

T1S, R3E, Section 23, Tax Lot 4600 at 4.08 acres (R#99323-0380).

T1S, R3E, Section 24, Tax Lot 5100 at 3.56 acres (R#99324-0850).

Application Timeline:

Pre-Application Conference, PA 32-99: December 17, 1999.

Application received with full fees: December 30, 1999.

Application incomplete letter mailed: NA.

Determination that application is complete and letter mailed: January 28, 2000.

Begin "120 day timeline" on January 28, 2000.

Notice of a Public Hearing (mailed): February 1, 2000.

Staff Report available: February 9, 2000.

Public Hearing before Hearings Officer: February 16, 2000. **Day 19.**

Record Held Open at Request of Applicant Until: February 28, 2000. **Day 19.**

Decision Signed: March 11, 2000. **Day 31.**

List of Exhibits:

List A: Staff/ Applicant Exhibits:

1. Applicant site plan sheet L1 (reduced copy).
2. Applicant site plan sheet L2 (reduced copy).
3. Applicant site plan sheet L3 (reduced copy).
4. Applicant site plan sheet L4 (reduced copy).
5. Applicant site plan sheet L5 (reduced copy).
6. Applicant site plan sheet L6 (reduced copy).
8. Applicant site plan sheet L7 (reduced copy).
9. Applicant site plan sheet L8 (reduced copy).
10. Applicant site plan sheet L9 (reduced copy).
11. Applicant site plan sheet L10 (reduced copy).
12. Applicant site plan sheet L11 (reduced copy).
13. Applicant site plan sheet L12 (reduced copy).
14. Applicant site plan sheet L13 (reduced copy).
15. Applicant site plan sheet L14 (reduced copy).
16. Applicant diagram of typical sign graphic.
17. Site visit photos taken by Staff on January 26, 2000 (six pages).

List B: Notification Information:

1. "Complete application" Letter, January 28, 2000, 3 pages.
2. Notice of Hearing, February 1, 2000, 3 pages.

List C: Multnomah County Documents

1. Staff Report – February 9, 2000

List H: Documents Submitted at February 16, 2000 Public Hearing or Later:

- H-1 Affidavit of Posting dated February 4, 2000
- H-2 East Multnomah Soil and Water Conservation District Memorandum dated February 4, 2000
- H-3 Memorandum to Liz Fancher from Tricia Sears dated February 2000
- H-4 Interoffice Memorandum to Liz Fancher from Patty Freeman dated February 23, 2000
- H-5 Letter and Fax Cover Sheet to Tricia Sears from Liz Fancher dated February 24, 2000
- H-6 Responses to Hearings Officer Questions
- H-7 Deeds to Subject Property Enclosed with Responses to Hearings Officer Questions