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Memorandum

Date: December 9, 2002

To: Multnomah County Board of Commissioners

From: Chuck Beasley, Planner *CB*
April Siebenaler, Transportation Planner *AS*

Subject: Review of Regional Trails

This memorandum is intended to more fully explain the staff recommendation that regional trails should be considered through the master plan and comprehensive plan amendment process rather than as a conditional use in the West of Sandy River Plan (WSR) area. One of the fundamental objectives of the WSR plan is to protect the farm economy of this unique area from conflicting non-farm uses. The zoning code attempts to further this policy choice by limiting non-farm uses to a type and scale needed to serve the rural area, and to not allow other uses due to their expected impacts on farming. Regional trails have been included in the list of uses which might be able to be located in farming areas of WSR in a manner that farming is not further disrupted.

At the first reading of the Ordinance, the Board heard testimony from Metro that they would like the County to consolidate the master plan and Conditional Use (CU) process into one, so that only one public hearing would be required to approve regional trails. At the third reading, the staff made a recommendation that we believed to be a compromise that serves the County's and Metro's interests. That compromise is detailed in the December 4, 2002 memo, and is a streamlined process that provides for one public hearing process and one administrative (staff) review.

The process recommended by staff is for a comprehensive plan amendment which includes a public hearing before the Planning Commission and a public hearing before the Board. This is the same process we follow for other plan amendments. The second step of the process recommended by County staff involves administrative review where the Planning Director issues the initial decision. This could be appealed to a hearings officer, and then to the state Land Use Board of Appeals (LUBA). County staff believes an appeal from an administrative decision is less likely if adequate public involvement occurs during the development of the Master Plan.

The circumstances and issues outlined below are what lead staff to believe that consideration of regional trails in WSR is best done with the kind of public involvement and exercise of policy judgment inherent in the plan amendment process.

- Rural Representation - Metro has testified that their public process to adopt the Master Plan should suffice for public involvement. However, rural property owners and communities outside the Metro jurisdictional boundary do not have representation on the Metro Council. Involving the Multnomah County Board in the Master Plan approval process will give representation to the affected rural communities and residents. It is also important to remember that the Board has been removed from the appeal process for Conditional Use permits, therefore the County Hearings Officer would be the only local decision maker.
- Broad Scope - Regional trails are unique in that they may cross multiple property lines and provide new access points for the general public where none had been before. That is distinctly different from other examples of actions that are processed as conditional uses. Consider for example, the establishment of a regional trail of several miles in length versus changing a building from a commercial feed store to a restaurant (which would only require a CU hearing). Regional trails also impact more residents of the area and have an impact on the County's liability on our roadways.
- Safety - Regional trails are likely to cross roadways. At a minimum the County traffic engineer needs to be involved in the process to help evaluate proposed locations where the trail will cross County roadways. Road width, grade, sight distance, and signing issues are best addressed prior to property being purchased to ensure that a safe crossing can be provided and that no undue expenses will be incurred by the County to change its roads to accommodate the trail crossing.
- Off Site Facilities - There will undoubtedly be some demand for parking at trailheads. If parking is not provided on a lot, there could be a demand for parking along the shoulder of the county road. The County already has an issue on Gordon Creek Road across the river from Oxbow Park. We have almost ½ mile of shoulder posted for no parking. Will we end up with that at every road crossing?
- Staff has discussed the process used in both Clackamas County and Washington County with representatives of those agencies. Neither county has yet approved a regional trail through EFU that isn't on a predefined right-of-way (like an old rail corridor). Staffs from both agencies believe that for trails in new corridors, a Master Plan must be prepared and then followed by development permits.