



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

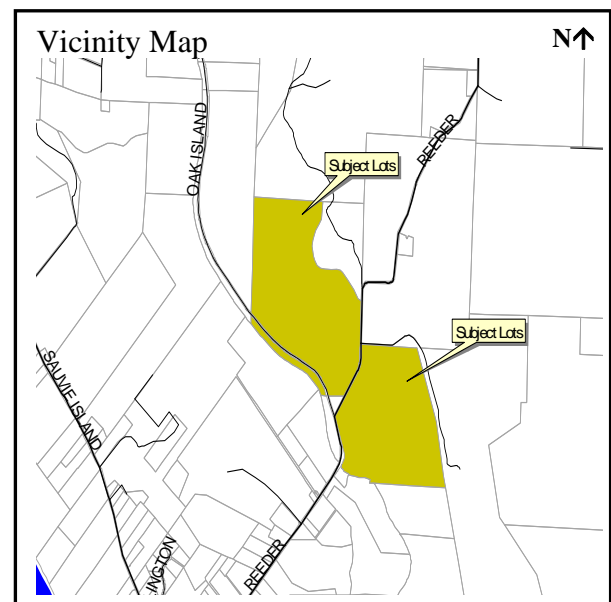
Case File: T2-08-026

Permit: Significant Environmental Concern

Location: Tax Lot 500, Section 09,
Township 2N, Range 1W, W.M.
R971090050

Applicant: Curt Mykut
Ducks Unlimited, Inc.
Pacific Northwest Field Office
17800 SE Mill Plain Blvd., Ste 120
Vancouver, WA 98683

Owner: Curt Mykut
Ducks Unlimited, Inc.
Pacific Northwest Field Office
17800 SE Mill Plain Blvd., Ste 120
Vancouver, WA 98683



Summary: Application for Significant Environmental Concern Permit for restoration of 63 acres of degraded wetlands on Sauvie Island. The proposal includes the filling of some existing drainage ditches and the installation of water control structures.

Decision: Approved with Conditions

Unless appealed, this decision is effective October 3, 2008, at 4:30 PM.

Issued by:

By: _____
Kevin Cook, Planner

For: Karen Schilling- Planning Director

Date: September 19, 2008

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Kevin Cook, Staff Planner at 503-988-3043 ext. 26782.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is October 3, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 34.2620 (Allowed Uses in the EFU District); 34.2660 (Dimensional Requirements); 34.2675 (Lot of Record); 33.4500 – 33.4550 (General Requirements for Significant Environmental Concern); 33.4555 (Approval Criteria for Significant Environmental Concern); Chapter 37 (Administration and Procedures).

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **This land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 or 37.0700, as applicable. A request for permit extension may be required to be granted prior to the expiration date of the permit.**

Conditions of Approval

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

1. An engineer, shall oversee all new construction and grading activities. When the project is completed the engineer shall provide a report to County Land Use Planning stating that the work has been done according to the approved plan and the engineers recommendations [MCC 34.5520(A)(2)(n)].

2. All grading and excavation activities shall be conducted in compliance with an approved Grading and Erosion Control and Flood Plain Development Permit. Construction cannot commence until the corresponding Grading and Erosion Control and Flood Plain Development Permit (T1-08-018) are issued. [MCC 34.4555 (I) and (J)].
3. The applicant and/or property owner shall coordinate with other agencies with jurisdiction prior to any work [Comprehensive Plan Policy 13].
4. The applicant's wetland restoration plan shall be in accordance with the Upper Linder Restoration plan and the Lower Linder Restoration plan (prepared by Aaron J. Sutherlin P.E. and Curt Mycut, Biologist, February, 2008).
5. Except for those riparian areas that will be altered through this permit, as shown in the Upper Linder Restoration plan and the Lower Linder Restoration plan (prepared by Aaron J. Sutherlin P.E. and Curt Mycut, Biologist, February, 2008), riparian buffer areas identified in the restoration plans shall not be disturbed.

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

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

FINDINGS AND CONCLUSIONS

This decision is based on the findings and conclusions in the following section.

Staff Report Formatting Note: To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. Staff conclusions follow the findings and are labeled **Conclusion**. At the end of the report, Exhibits are described.

1. DESCRIPTION OF THE PROPOSAL:

Applicant's Narrative:

UPPER LINDER WETLANDS RESTORATION:

PROJECT DESCRIPTION NARRATIVE

1. Ditch Fill - Although agricultural practices have been abandoned for nearly two decades, and native emergent vegetation has begun to establish to a degree, the deep central drainage ditch will need to be filled to remove an unnatural feature on the landscape that holds water which could otherwise be dispersed throughout the lake basin. The depth of the ditch also precludes the establishment of native emergent vegetation and its banks support dense reed-canary grass mats. In order to fill the ditch, material (soil and organics) will be excavated from the northern portion of the unit which is comprised largely of reed-canary grass. Additionally, an existing cross levee running E to W will be removed and used as borrow material. 5842 cy of soil and vegetation, encompassing an area of ~ 11.5 acres will be removed and used to fill the ditch. The ditch itself encompasses about 1.5 acres. The borrow area for the ditch can be seen on the plan view (sheet #4) and corresponds to the large shaded region.
2. Borrow Area - This borrow area corresponds to the shaded region on the plan view at the north end of the basin, and also includes an existing cross levee that will be removed, and existing side casts on both sides immediately adjacent to the ditch. 6032 cy of material encompassing 11.5 acres will be removed from this area in an effort to 1.) generate material that will be used to fill the existing drainage ditch (see explanation above) and 2.) to generate borrow, primarily from the existing cross levee, to use as material

for the two new smaller levees. The large area at the north end of the basin was chosen for borrow due to its higher elevation and its dominance by reed canary grass. This area will only be stripped to a maximum of about 1.5 feet below the existing elevation and will primarily remove reed canary grass mats and concomitantly reestablish some micro topography to this portion of the basin, and thus facilitate the reestablishment of native emergent plants in the scalped area.

3. Levees - Two small levees will be constructed on site and will serve to impound water so that semi-permanent hydrologic conditions may be reestablished on site. Levee 1 (seen on sheet 4 at the SE end of the site) will be the primary point for water level control. The water control structure (described below in item 5) will be installed in this levee. Levee 1 will be comprised of 642 cy of material encompassing an area of 0.1 acres and will have a spillway built into it (see sheet 7 detail). Levee 2 is located at the SW portion of the site and will serve to impound water in an approximately 4 acre palustrine scrub shrub wetland that currently drains very rapidly into the adjacent county ditch. The levee will serve to impede flow off the area which historically held water for longer durations. Levee 2

will encompass an area of 0.1 acres and be comprised of 171 cy of soil material.

4. Culvert - A 24" culvert will be installed to provide hydrologic connectivity between the larger wetland basin and the ~4 acre PSS basin described above in 3.
5. Water Control Structure - 1 water control structure will be installed and serve to provide infrastructure for water level management. Namely to provide a mechanism for mimicking historic spring and early summer hydrology of semi-permanent emergent marshes. Slowly receding water levels provide optimum conditions for a number of native

emergent plants that will provide year round benefits to wetland dependant wildlife. 11 cy of sand and 13 cy of riprap will be used in and around the structure. The riprap will serve primarily to reduce erosive forces around the levee caused by water level drawdowns.

6. Swale - A 1316 ft swale comprising 0.3 acres and generating 473 cy of soil will be created in order to 1.) allow for a more direct route of drainage of the ~ 4 acre PSS wetland through the new culvert and into the central portion of the larger basin and 2.) to generate material to be used for construction of the levees 1 and 2.

LOWER LINDER WETLANDS RESTORATION:

PROJECT DESCRIPTION NARRATIVE

1. Ditch Fill - Although agricultural practices have been abandoned for nearly two decades on the southern portion of the site and will be abandoned on the northern portion, the deep central drainage ditch will need to be filled to remove an unnatural feature on the landscape that holds water which could otherwise be dispersed throughout the lake basin. The depth of the ditch also precludes the establishment of native emergent vegetation and its banks support dense reed-canary grass mats. Unfortunately, the ditch on the northern portion of the site will not be filled due to the amount of borrow that would be required. To borrow on site would be cost prohibitive and create too much deep water habitat. Therefore we will only fill the section of ditch corresponding to the 7.1 acre wetland on sheet 4 of the plans. In order to fill the ditch, material (soil and organics) will be excavated from the southern portion of the unit which is comprised largely of reed-canary grass. 1384 cy of soil and vegetation, encompassing an area of ~ 5.6 acres will be removed and used to fill the ditch, with some material used as compacted fill at the ditch plugs and around the water control structures. This portion of the ditch encompasses about 0.4 acres. The borrow area for the ditch can be seen on the plan view (sheet #4) and corresponds to the shaded region.

2. Borrow Area - This borrow area corresponds to the shaded region on the plan view (sheet 4) at the south end of the site, and also includes existing side casts on both sides immediately adjacent to the ditch. 1384 cy of material encompassing 5.6 acres will be removed from this area in an effort to 1.) generate material that will be used to fill the existing drainage ditch (see explanation above) and 2.) to generate borrow to use as material for the two ditch plugs. This particular area was chosen for borrow due to its higher elevation and its dominance by reed canary grass. This area will only be stripped to a maximum of about 1.5 feet below the existing elevation and will primarily remove reed canary grass mats and concomitantly reestablish some micro topography to this portion of the basin, and thus facilitate the reestablishment of native emergent plants in the scalped area.
3. Ditch Plugs - As seen on sheet 4, two ditch plugs will be constructed on site and will serve to impound water so that semi-permanent hydrologic conditions may be reestablished on site. Water control structures will be installed in plugs (see water control structure descriptions below). A culvert and an antiquated water control structure currently exist at ditch plug 1 and 2, respectively. Material will be removed at each plug to install the new structures, and then re-filled once the structures have been set in place. We will remove 99 cy of material at ditch plug 1 and re-fill with ~ 148 cy of material (this will encompass an area of about 0.06 acres).

We will remove 264 cy of material at ditch plug 2 and re-fill with ~ 497 cy of material (this will also encompass an area of about 0.06 acres). The plugs will serve the same function as a low-berm levee and appear as such in the detail sheets (sheets 8 & 9).

4. Water Control Structures - 2 water control structures will be installed and serve to provide infrastructure for water level management. Namely to provide a mechanism for mimicking historic spring and early summer hydrology of semi-permanent emergent marshes. Slowly receding water levels provide optimum conditions for a number of native emergent plants that will provide year round benefits to wetland dependant wildlife. 22 cy of sand and 60 cy of riprap will be used in and around the structures/ditch plugs. The riprap will serve primarily to reduce erosive forces around the plugs caused by water level drawdowns. The new structures are being installed in locations where a culvert (at the south end) and an antiquated water control structure (at the north end) currently exist.

Staff: As described in detail above, the applicant is proposing to restore 63 acres of degraded wetlands. The project includes the filling of existing ditches, installation of ditch plugs for water impoundment, regrading of the site, construction two small levees, removal of an existing internal levee, installation of a 24" culvert, installation of a water control structure, and the creation of a 1,316 foot swale. The property is bisected by Reeder Road and the project consists of two main restoration areas, which are labeled as the Upper Linder Restoration (south of Reeder Road) and the Upper Linder Restoration (north of Reeder Road). Detail plan drawings are included in Exhibits A.9 and A.10.

2. SITE CHARACTERISTICS

Applicant:

34.4520

(A)

(1) We are proposing to restore approximately 63 acres of habitat on private land, comprising 2 wetland basins that once existed as a semi-permanent, palustrine emergent Wapato/willow wetlands just south of Sturgeon Lake on Sauvie Island. The objective of the project is to offset the significant loss of wetlands and wildlife habitat in Multnomah County that have resulted from decades of anthropogenic impacts. Site degradation on a broader context began during the 1930s when the Army Corp constructed a large dike to control flooding on Sauvie Island. This action severed connectivity between the island and the Multnomah Channel and Columbia River thus reducing hydrologic inputs and impairing wetland function. Further degradation occurred during the 1940s when the sites were converted from a freshwater marsh system to pasture and agricultural land by ditching, and installation of a pump system a few decades later to rapidly dewater the site.

While the sites have not been farmed or grazed in two decades and currently exist as marginal palustrine emergent wetlands, the deep drainage ditches that bisect them have impaired the natural hydrologic function. The deep ditches hold water that would otherwise be dispersed across the wetland basins and existing water control structures provide sub-optimal infrastructure for managing and mimicking historical water level fluctuations in the wetlands. Collectively, the ditch and antiquated water control structures lead to a reduction in the water surface area in the spring and summer thus making the site's conducive to reed canary grass establishment and proliferation. This in turn has severely compromised the value of the property to wildlife during the spring and summer due to the site's lack of vegetative diversity and structure which would otherwise provide cover and forage for numerous wetland dependant species. Note, that the drainage ditches being discussed are not maintained by the drainage district, but rather the landowner.

Ducks Unlimited, Inc. has identified the Lower Columbia River and its associated wetlands as critical waterfowl habitat based on Pacific Flyway waterfowl use of the region and objectives developed in the North American Waterfowl Management Plan and Pacific Coast Joint Venture Plan for the Lower Columbia River. Considering the opportunity to restore 2 degraded wetland basins totaling ~ 63 acres in very close proximity the Sauvie Island Wildlife Area, the project ranked very high on our priority list for wetland conservation in the Lower Columbia region. Restoration work will be funded by a North American Wetlands Conservation Act grant.

Details of construction activities can be seen in the attached plans, but the following provides a brief summary of the primary project construction activities: ditch filling, minor re-grading within the wetland basin, construction of low berms to improve the site's ability to maintain water, and installation of water control structures.

(2) See attached plans which address (a) - (d) and (f)

(e) - Wetlands exist in a degraded state and are largely comprised of reed-canary grass. Areas where material will be borrowed from in the basin to generate fill material for the ditches are comprised of reed-canary grass. No native vegetation will be removed. See site plans and refer to shaded areas to obtain a visual of where vegetation will be removed and borrow material generated.

Staff: The 275 acre property primarily consists of drained and/or degraded wetlands as well as former cropland that is currently fallow. The property is situated in the south central portion of Sauvie Island and is located in the vicinity of the intersection of Reeder Road and Oak Island Road. The ditches that are to be filled are private ditches located entirely on the property and ditches maintained by the Sauvie Island Drainage Improvement Company (SIDIC) are not involved with the project as confirmed by Josh Townsley, Manager of SIDIC (Exhibit A.11).

3. OWNERSHIP

MCC 37.0550: Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser.

Staff: County Assessment records show the property owner as John L. Enyart (Exhibit B.1). John L. Enyart has signed the application form (Exhibit A.1).

4. TYPE II CASE PROCEDURES

Staff: The application was submitted May 7, 2008 (Exhibit A.1). The application was deemed complete as of June 12, 2008 when additional information was submitted. An Opportunity to Comment notice was mailed June 25, 2008. The notice was mailed to all owners of properties within 750 feet of the subject property; and interested government agencies. Those that received the notice were provided a 14-day period to submit comments on the application (MCC 37.0530). No comments have been received. *Procedures met.*

5. EXCLUSIVE FARM USE ZONE

5.1. Allowed Uses

MCC 34.2620(K) Creation of, restoration of or enhancement of wetlands.

Staff: As evidenced in this application, the proposed project is intended to restore and enhance wetlands on the site.

6. SIGNIFICANT ENVIRONMENTAL CONCERN PERMIT REVIEW

6.1. MCC 34.4510 (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 34.4515, shall be subject to an SEC permit.

Staff: Zoning maps indicate that the proposed project is located within the Significant Environmental Concern (SEC) Overlay for significant wetlands district thus an SEC Permit is required. The project is not exempt from the SEC review because it does not meet any of the exemptions listed in MCC 34.4515.

6.2. MCC 34.4520(A): An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 34.4555 through 34.4575.**
- (2) A map of the property showing:**
 - (a) Boundaries, dimensions, and size of the subject parcel;**
 - (b) Location and size of existing and proposed structures;**
 - (c) Contour lines and topographic features such as ravines or ridges;**
 - (d) Proposed fill, grading, site contouring or other landform changes;**
 - (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;**
 - (f) Location and width of existing and proposed roads, driveways, and service corridors.**

Staff: The applicant has submitted the required information which is included as Exhibits A.1 through A.13.

6.3 Criteria for Approval of SEC Permit

MCC 34.4555: The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

Staff: The SEC Overlay applies to the subject property. The applicant has demonstrated that the proposed project meets the following standards.

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

Applicant: “The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded, so the project will inherently satisfy (A).”

Staff: The proposal is for wetland restoration and as such does not include landscaped area in the traditional sense. The project will enhance flood storage areas via native plantings. *The criterion is met.*

6.3.2. (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Applicant:

(B) While the wetland basins being restored were used to grow crops at one time, those practices have since been abandoned and the sites currently exist as degraded wetlands. So, no productive farmland is being taken out of production and no forest land is being manipulated.

Staff: Staff concurs. While the project does not directly preserve and maintain agriculture on the site, restoration of wetlands is an allowed use in the EFU zone district per MCC 34.2620(K). Agricultural land has been fallow on the site for several years and bottom lands are often hydric and as such are less conducive to agriculture than are well drained areas. Furthermore, the restoration of wetlands does not preclude nor does it prevent agricultural practices on the property in the future. *The criterion is met.*

6.3.3. (C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Applicant: “The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded, so the project will inherently satisfy (C)”

Staff: The proposed wetland restoration projected is intended to increase the environmental significance of the subject property. Therefore, the project exceeds the standard insofar as the project restores wetlands, which exceeds the goal of preservation of existing wetlands.

6.3.4. (D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Applicant: “The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded, so the project will inherently satisfy (D)”

Staff: The proposal does not include any plans for recreational activities; nor are there any plans that identify the site for future recreational needs. *The criterion is met.*

6.3.5. (E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Applicant: “We shall provide, to the maximum extent practicable, the protection of the public safety and of public and private property, especially from vandalism and trespass during our restoration work.”

Staff: The wetlands are internal to the site and are on private property. There is no expectation that the public will visit the site. *The criterion is met.*

6.3.6. (F) Significant fish and wildlife habitats shall be protected.

Applicant:

(F) The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded.

Staff: Staff concurs. Natural habitat is expected to improve as a result of wetland restoration.

6.3.7. (G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.

Applicant:

(G) All of the existing natural riparian buffers around the sites will be maintained and protected. Natural wetland vegetation is virtually non-existent due to the disruption of the site's hydrology. The intent of our project is to restore the site's hydrology in an effort to facilitate the re-establishment of native emergent marsh vegetative communities. Our project work will not compromise any existing native vegetation.

Staff: Staff concurs. The applicant has identified the placement of native vegetation in the restoration plan. A condition of approval (Condition 5) requires the preservation of natural wetland vegetation where it exists within the project area. *As conditioned, the criterion is met.*

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

Applicant: “A cultural review was conducted by the USFWS and indicated that project work is very unlikely to disturb areas of archaeological significance.”

Staff: There are no known archaeological areas in the project area.

6.3.9. (I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Applicant:

(F) The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded.

(G) All of the existing natural riparian buffers around the sites will be maintained and protected. Natural wetland vegetation is virtually non-existent due to the disruption of the site's hydrology. The intent of our project is to restore the site's hydrology in an effort to facilitate the re-establishment of native emergent marsh vegetative communities. Our project work will not compromise any existing native vegetation.

(I) See (F) and (G) above.

Staff: Once the restoration project is completed per the Upper Linder Restoration plan and the Lower Linder Restoration plan (prepared by Aaron J. Sutherlin P.E. and Curt Mycut, Biologist, February, 2008), the site will more closely resemble the topography and hydrology that existed prior to the advent of modern agriculture, irrigation, and flood control on Sauvie Island. The project requires monitoring (Condition 1) and adherence to the submitted restoration plans (Condition 4). *The criterion is met.* The project is also being reviewed separately through Grading and Erosion Control and Flood Development permits (File T1-08-018).

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

Applicant:

(J) Erosion is not a concern since sites are contained wetland basins, nor are they adjacent to any stream or creek features. Furthermore, the intent of the project is to restore native vegetation to the site which will stabilize any soils disturbed during construction.

Staff: As noted by the applicant, the site is constrained such that continual erosion control measures can be used to mitigate erosion. Erosion control best management practices shall be adhered to (Condition 2). A Grading and Erosion Control Permit application has been submitted by the applicant as Case T1-08-018. Conditions of approval for the GEC permit will address best management practices for this project.

6.3.11. (K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Applicant:

(K) Since we are restoring natural features to the landscape, we shall be preserving the quality of the air, water and land resources and ambient noise levels in this area.

Staff: Staff concurs.

6.3.12. (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Applicant: “The intent of our project work is to restore and protect significant fish and wildlife habitat that has been degraded, so the project will inherently satisfy (L)”

Staff: The only structures proposed are water control structures, which are similar to the levees, irrigation structures, and water control structures found across Sauvie Island.

6.3.13. (M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Applicant:

(G) All of the existing natural riparian buffers around the sites will be maintained and protected. Natural wetland vegetation is virtually non-existent due to the disruption of the site’s hydrology. The intent of our project is to restore the site’s hydrology in an effort to facilitate the re-establishment of native emergent marsh vegetative communities. Our project work will not compromise any existing native vegetation.

(M) See (G) above.

Staff: Staff concurs. Condition number 5 requires the preservation of riparian vegetation that is not specifically part of the wetland restoration project as indicated in Exhibits A.9 and A.10.

6.3.14 (N) The applicable policies of the Comprehensive Plan shall be satisfied.

Applicant: “The applicable policies of the Comprehensive Plan shall be satisfied”

Staff: The applicable policies of the Comprehensive Plan are as follows:

Policy 13: Air, Water and Noise Quality

It is the County’s policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air

quality, water quality, and noise levels.

Staff: The applicant's have secured approvals from the Division of State Lands.

Policy 16-D: Fish And Wildlife Habitat

It is the County's policy to protect significant fish and wildlife habitat, and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

Staff: The enhancement and restoration of wetlands will result in positive benefits for fish and wildlife. The project is expected to provide better habitat opportunities for indigenous wildlife species. The site is not located within an identified big-game wildlife habitat area.

7.0 34.4560 CRITERIA FOR APPROVAL OF SEC-W PERMIT - SIGNIFICANT WETLANDS

7.1 Significant wetlands consist of those areas designated as *Significant* on aerial photographs of a scale of 1 inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

(A) In addition to other SEC Permit submittal requirements, the application shall also include:

(1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;

Applicant:

(1) See attached plans. Note, since our work emphasizes wetland restoration, we do not complete formal wetland delineations. Approximate wetland boundary can be seen on multiple figures within the site plans.

Staff: The submitted plans include field surveys, with 1-foot contour intervals depicting existing wetlands and the locations of all existing and proposed watercourses (Exhibits A.9 and A.10).

The criterion is met.

7.1.2 (2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(2) See attached site plans to see wetland area. The purpose of our proposed work is to restore hydrologic features to degraded wetland systems, therefore proposed activities will theoretically affect the entire site (in the context of re-establishing natural features that were lost to agricultural development decades ago). Currently the wetlands exist as marginal ephemeral marshes that have become dominated by reed-canary grass. Historically, these sites were tidally influenced; however, currently the primary hydrologic input is precipitation, and on occasion water is pumped into the sites during the early fall and winter from the adjacent drainage district ditches to attract waterfowl. The tidal component cannot be addressed due to the existence of the large dikes which surround the island; however, the drainage ditches on the sites can. These deep linear features must fill first before water can inundate the remainder of the basins and then they hold water that would otherwise disperse across a broader area of the wetland basins. Antiquated water control structures and leaky ditch plugs also lead to premature loss of water from the wetlands in late spring and early summer. These conditions are optimal for invasive plant establishment, especially reed-canary grass. This in turn has a negative impact on wildlife use of the sites throughout the year due to the presence of a monoculture that provides limited vertical structure and food value.

Staff: The applicant has addressed the criterion in the above response. *Criterion met.*

7.1.3 (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

Applicant:

(3) Please see attached site plans and quantities table for locations and amounts of all removal and fill activities. Soils on site are Rafton, silt loam. See attached soils maps.

Staff: Staff concurs. Multnomah County Geographic Information System also indicates the site is composed Rafton silt loam.

7.1.4 (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

Applicant:

(4) This is addressed in engineer's narrative (attached) related to floodplain development and grading and erosion control.

Staff: The proposal includes water control structures that regulated the flow of water onto the site. The applicant is required to follow best management practices for erosion control as stipulated in Condition number 1. Separate Flood Development and Grading and Erosion Control permits have been submitted (file T1-08-018) and are being reviewed separately from

this permit.

7.1.5 (5) Detailed Mitigation Plans as described in subsection (D), if required;

Applicant:

(5) Our project will result in the net increase and improvement of two degraded wetland basins.

Staff: The project is intended to result in an overall increase in wetlands as well as improvement of existing degraded wetlands on site. The applicant has submitted a detailed mitigation plan (Exhibits A.9 and A.10). *The criterion is met.*

7.1.6 (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

Applicant:

(6) See responses in (B) below.

Staff: The applicant has submitted a narrative addressing part 'B' below.

7.2.0 (B) The applicant shall demonstrate that the proposal:

7.2.1 (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

Applicant:

(1) Project is a wetland restoration; intent is to restore hydrology to degraded wetland sites. Project will improve rather than negatively impact the functionality of the wetlands.

Staff: Staff concurs. The project, by its nature, is water-dependent. No permanent adverse impacts anticipated to wetlands on site. *The criterion is met.*

7.2.2 (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

Applicant:

(1) Project is a wetland restoration; intent is to restore hydrology to degraded wetland sites. Project will improve rather than negatively impact the functionality of the wetlands.

(2) See (1) above.

Staff: Staff concurs. Wetlands on the site are identified in the Multnomah County Goal 5 inventory (Exhibit B.7) as significant. No permanent adverse impacts anticipated to wetlands on site. *The criterion is met.*

7.2.3 (3) Will not cause significant degradation of groundwater or surface-water quality;

Applicant:

(3) Project will improve groundwater and surface water quality. See (1) above.

Staff: Staff concurs. The project's intent is to improve and restore wetlands, thereby improving surface water quality and positively affecting subsurface hydrology.

7.2.4 (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

Applicant:

(4) Buffer not applicable as project's intent is to restore degraded wetlands.

Staff: Staff concurs. The only physical structures proposed are flood control gates that are intended to regulate the flow of water into the site. There are no regulated activities proposed that need not be conducted in the wetland. *The criterion is met.*

7.2.5 (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

Applicant:

(5) Project's intent is to restore degraded wetland basins and will increase functional wetland area compared to what currently exists.

Staff: Staff concurs. No loss of wetlands will occur. *The criterion is met.*

7.3.0 (C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking

into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

Staff: The proposal is for improvement and restoration of wetlands that include mapped 3-C wetlands in the Multnomah County Goal 5 Inventory (Exhibit B.7) and as such the project is required to comply with the no practical alternative test.

7.4.0 (D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 34.4560 (A);

(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 34.4560 (B) (2);

(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

(a) On the site of the impacted wetland, with the same kind of resource;

(b) Off-site, with the same kind of resource;

(c) On-site, with a different kind of resource;

(d) Off-site, with a different kind of resource.

Staff: The project, by its very nature, necessitates work within the resource area. The applicant's wetlands restoration plans (Exhibits A.9 and A.10) include the information above. Monitoring is required per Condition number 1. The project has received approval from the Division of State Lands (Exhibit A.7). *The criteria are met.*

8. CONCLUSION

Staff: Based on the findings, narrative, submitted plans, and other information provided herein, this application, as conditioned, satisfies the applicable approval criteria required for a Significant Environmental Concern Permit. This permit application request is approved with conditions.

9. EXHIBITS

9.1. Exhibits Submitted by the Applicant:

Exhibit #

A.1: General Application.

A.2: Application Coversheet

A.3: Drainage Study for Upper Linder Wetlands Project

A.4: Drainage Study for Lower Linder Wetlands Project

A.5: Applicant's Narrative

- A.6: Applicant's Supplemental Narrative
- A.7: Division of State Lands General Authorization for Wetland Restoration and Enhancement.
- A.8: Cover Letter Listing Supplemental Items.
- A.9: Upper Linder Restoration Plans
- A.10: Lower Linder Restoration Plans
- A.11: Sauvie Island Drainage Improvement Company Confirmation
- A.13: USDA Fish and Wildlife; Cultural Resources Team, Notification of Compliance

9.2. Exhibits Provided by the County

Exhibit

- B.1: County Assessment Record for the subject property
- B.2: Signed Acknowledgement Form
- B.3: Notice of Incomplete Application
- B.4: Notice of Complete Application
- B.5: Opportunity to Comment Form
- B.6: Soils Map
- B.7: Multnomah County Goal 5 Inventory Map and List