

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

NOTICE OF DECISION

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

Case File: T2-2013-3212

Permit: Significant Environmental Concern
Permit –Water Resources (SEC-wr)

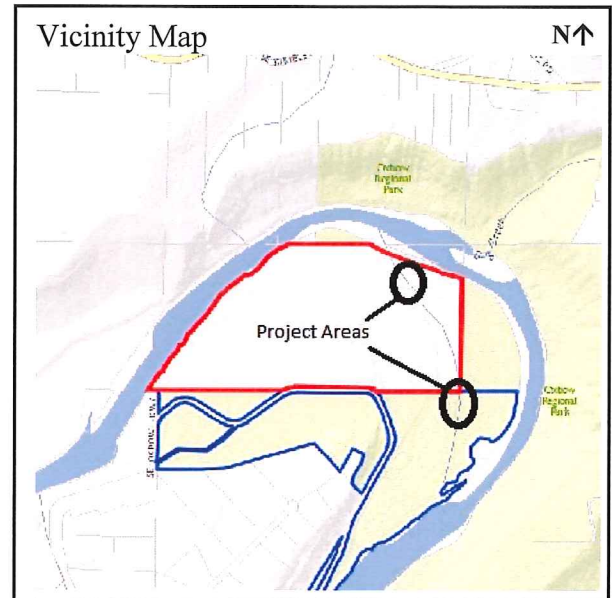
Location: 3010 SE Oxbow Parkway
Tax Lot 200 & 400, Section 10
Township 1S, Range 4E, W.M.
Tax Account #R994100090 and
#R994100050

Applicants: Sandy River Basin Watershed Council

Owners: YMCA of Columbia-Willamette and
METRO

Base Zone: Commercial Forest Use (CFU)

Overlays: SEC-h, SEC-wr, SEC-sw; HDP; FH



Summary: Fish and wildlife habitat restoration involving invasive plant removal; native plant establishment; and anchoring large woody debris objects in side channel inlets along the Sandy River.

Decision: Approved with Conditions

Unless appealed, this decision is effective Thursday, June 5, 2014, at 4:00 PM.

Issued by:

By: 
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Thursday, May 22, 2014

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 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 Don Kienholz, Staff Planner at 503-988-3043, ext. 29270 or don.d.kienholz@multco.us.

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 Thursday, June 5, 2014 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 Code Compliance; 36.0005 Lot of Record; 36.2075 Lot of Record; 36.4540 Application for SEC Permit, 36.4545 SEC-sw Approval Criteria; 36.4550 General SEC Requirements for SEC-h and SEC-wr; 36.4555 SEC-wr Approval Criteria; 36.4560 SEC-h Approval Criteria.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

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 pursuant to MCC 37.0690(A) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

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. Prior to earth disturbing activities, the owners shall obtain an access permit for temporary construction staging in the County Right of Way and for the temporary access to the County road system.**
- 2. Prior to earth disturbing activities commencing, the owners shall obtain a Grading and Erosion Control Permit and a Flood Development Permit.**
- 3. Any equipment or vehicle working in stream shall be inspected daily prior to entering the waterbody to ensure there are no leaks or hazardous materials present [MCC 36.4550(A)].**
- 4. Nuisance plants listed in MCC 36.4550(C) shall not be planted in the development area.**
- 5. Vegetation planted as part of the habitat restoration and enhancement shall be planted as proposed in the mitigation plan [MCC 36.4555(D)(6)].**
- 6. Prior to work commencing, and through the duration of the project, equipment access areas will be clearly flagged to prevent equipment from encroaching into the water resource areas other than what is necessary to construct the woody debris structures and the placement of boulders [MCC 36.4555(D)(7)].**

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.
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Findings of Fact

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

1.00 Project Description:

Staff: The applicant is seeking approval for a restoration project in Oxbow Park along a tributary of the Sandy River that will improve salmonid habitat by adding woody debris and boulders in the watercourse. The project will occur in the Commercial Forest Use zone and within the Significant Environmental Concern (SEC) overlays for Water Resources. There are additional SEC overlays on the property but the project does not fall within their boundaries. While the project is outside of the SEC overlay for Scenic Waterways, the applicant did provide an approval letter from the Oregon Department of Parks and Recreation for the project.

2.00 Code Compliance:

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

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

(A) A permit or other approval, including building permit applications, may be authorized if:

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

Staff: There are no known code compliance issues associated with the two involved properties and as such the County has the authority to issue this land use decision.

Criteria met.

3.00 Lot of Record:

MCC 36.0005 Lot of Record

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies

with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

* * *

MCC 36.2075 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;**
- (5) February 20, 1990, lot of record definition amended, Ord. 643;**
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;**
- (7) August 8, 1998, CFU-1 zone applied, Ord. 916 (reenacted by Ord. 997);**
- (8) May 15, 2002, Lot of Record section amended, Ord. 982 & reenacted by Ord. 997;**

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest;**
- (3) A Mortgage Lot;**
- (4) An area of land created by court decree.**

Staff: The applicant has provided deed documents to demonstrate each involved property is a Lot of Record. Below is an analysis of each property:

Property/Parcel 1 (Camp Collins), Tax Lot 200:

The subject property was found to be a lot of record in case T2-2011-1852 with the recording of a special warranty deed in 1934. The subject property has not changed configuration since that land use decision and as such is still a Lot of Record.

Property/Parcel 2 (METRO), Tax Lot 400:

Tax Lot 400 is made up of several individual parcels that have been consolidated into one large tax lot. The submitted deed conveying the parcels of Tax Lot 400 to Metro (Exhibit A.21) details the numerous lots making up the tax lot. On that deed, what is called out as "Parcel 4" describes a separate parcel within the area of land on Tax Lot 400 that is being developed with the habitat and stream restoration. The applicant submitted the 1963 deed (Book 2184, Pages 183 through 184) recorded August 29, 1963 (Exhibit A.22) that describes the parcel as "Tax Lot 26 of Section 10, Township 1 South, Range 4 East, Willamette Meridian, as shown on the Assessor's Map for 1963." Staff provided a 1962 zoning map (Exhibit B.6) that includes the 6.88-Acre Tax Lot 26 described in the deed that also demonstrates it is the area of development on the property known as Tax Lot 400 on current tax lot maps.

In 1963, the parcel was zoned F2 which had a 2-acre minimum lot size, no access or road frontage requirements and no setback requirements. The parcel met the zoning requirements in 1963.

Land divisions creating three or fewer parcels were not required to be reviewed by the County until 1978. Since the property was in existence since at least 1963 in its current configuration, it was not required to undergo a partition review.

In addition to findings above, the CFU zone has aggregation requirements for properties less than 19-acres in size in common ownership on February 20, 1990. By all known information, there are several parcels that comprise the property known as Tax Lot 400. Multnomah County had been the owner of the properties for decades and managed Oxbow Park. The applicant has provided a deed from 2004 (Exhibit A.21) that transferred ownership of the properties comprising Oxbow Park to Metro. The deed includes 17 properties on the title. Considering that Multnomah County owned all the property for decades (including all property comprising Tax Lot 400) and they were adjacent to each other, then it is clear they were in common ownership on February 19, 1990 and thus aggregated. Those properties are still in contiguous ownership by Metro and therefore a Lot of Record under the CFU requirements.

Considering the above facts, Parcel 2 owned by Metro and a portion of Tax Lot 400, is a Lot of Record aggregated with the other adjacent properties owned by Metro.

The subject parcels are Lots of Record.

4.00 Significant Environmental Concern Permit:

A. MCC 36.4550 GENERAL REQUIREMENTS FOR APPROVAL IN AREAS DESIGNATED AS SEC-WR OR SEC-H.

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas in addition to the provisions of 36.4555 or 36.4560 as applicable.

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

Staff: The submitted narratives and reports (Exhibits A.7, A.29, A.30 and A.34) note the project will involve modifications to the side channel inlet off the Sandy River by adding large woody debris structures for habitat and flow complexity and restoration of approximately 101 acres of adjacent riparian, floodplain and upland habitat. Potential erosion will be mitigated by observing a development window of July through August – the dry weather and low flow time period. Additionally, disturbed areas will be restored through the planting of grass and local native plants, tapering exposed slopes down to a 3:1 ratio and covering with coconut matting and/or straw as the conditions require. A Grading and Erosion Control permit is required prior to the initiation of development.

Criterion met.

2. (B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

Staff: No lighting is proposed as part of the project.

Criterion met.

3. (C) The following nuisance plants, in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: Nuisance plant removal shall be a condition of approval.

B. MCC 36.4555 CRITERIA FOR APPROVAL OF SEC-WR PERMIT - WATER RESOURCE

Except for the exempt uses listed in MCC 36.4520 and the existing uses pursuant to 36.4525, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in 36.4540(A) and (C), and meets the general requirements in 36.4550.

1. (B) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of

this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

- a. **(1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and**

Staff: Because the project includes restoration of the tributary of the Sandy River, the project is water dependant on the water resource that is protected under the SEC-wr. As such, there is no alternative to the location of the proposed project.

Criterion met.

- b. **(2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;**

Staff: The very nature of the project is to enhance habitat for endangered species and requires work in the water resource in order to be effective. Restoration and enhancement projects are allowed in the underlying zone. Because the project is for the enhancement of the habitat, the development is limited to those areas that need to be improved from a fish and upland habitat perspective. The wildlife assessment performed by Siskiyou BioSurvey found that based on their sampling, the vegetated corridor #1 is in "good" condition for vegetation, understory, and tree canopy while vegetated corridor #2 is marginal and needs improvement. The proposed work is in the tributary and upland area and will improve both the fish habitat as well as the upland habitat by removing nuisance and invasive plants, improving fish habitat and improving the vegetated corridor. As such, the proposed development is limited to the area necessary for the habitat improvement and enhancement.

Criterion met.

- c. **(3) Development shall occur as far as practically possible from the stream; and**

Staff: Because of the nature of the project, the development cannot be done outside the stream. As such, it is as far as practically possible from the stream.

Criterion met.

- d. **(4) The Water Resource Area can be restored to an equal or better condition; or**

Staff: As identified by Siskiyou BioSurvey, the vegetated corridor #1 is already in 'good' condition. Vegetated corridor #2 is in marginal condition and the proposed enhancements will improve the condition from 'marginal' to 'good' which will satisfy this criterion.

Criterion met.

- e. **(5) Any net loss on the property of resource area, function and/or value can be mitigated.**

Staff: There is no net loss to the resource area. The proposed development work is to enhance the existing resource areas and will bring one area that is in marginal condition to 'good' condition.

Criterion met.

2. (D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

- a. **(1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.**

Staff: No facilities such as those mentioned in the criterion are proposed for the project.

Criterion met.

- b. **(2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.**

Staff: The applicant is not proposing to remove any trees as part of the project. The 'development' is installing large woody debris structures in the tributary and along the banks to provide improved fish habitat. Logs for the structures are to be imported in to the site, constructed and installed. Since no trees will be removed, no replacement is required.

Criterion met.

- c. **(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.**

Staff: Vegetated Corridor #1 has been determined to be in "good" condition which has been identified to have tree stands of 75% tree canopy closure consisting of 100% native trees, shrubs, and ground cover. Vegetated Corridor #2 has 50% tree cover with 65% of the cover consisting of native species. The proposed enhancements will improve the areas determined to be 'marginal' by

increasing the native species in the area and increasing the tree canopy. As such, that the development will increase the tree, shrub, and natural vegetation cover and create a more connected and contiguous vegetated corridor.

Criterion met.

- d. **(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.**

Staff: Vegetated Corridor #1 is currently in 'good' condition and will remain so after the woody debris structures and habitat is put in place. Vegetated Corridor #2 is in marginal condition but will be improved to 'good' condition with this project.

Criterion met.

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

Staff: The proposed development does not include vegetation removal other than invasive plants, nor the cutting of trees.

Criterion met.

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

Staff: While vegetation is not proposed to be removed, nuisance plant removal is a requirement of the SEC-wr if found. The applicant has also stated that there will be vegetation planted throughout the project site even if none is removed. Native vegetation will be utilized and is a condition of approval.

Criterion met.

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

Staff: This shall be a condition of approval.

As conditioned, criterion met.

h. **(8) Stormwater quantity control and quality control facilities:**

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

Staff: No impervious surface is being added as a result of the project. Therefore, stormwater mitigation is not required.

Criterion met.

D. **(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.**

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments onsite.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments offsite.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

- 1. The extent of the public need for the proposed development ;**
- 2. The functional values of the Water Resource Area that may be affected by the proposed development;**
- 3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;**
- 4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and**
- 5. The uniqueness or scarcity of the Water Resource Area that may be affected.**

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

(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for resource losses.

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

Creation (off-site)	2:1
Restoration (off-site)	1.5:1
Creation (on-site)	1.5:1
(Restoration (on-site)	1:1

(c) Only marginal or degraded water resource areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.

(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.

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

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

(3) Mitigation Plan Standards - Natural re-source mitigation plans shall contain the following information:

(a) A description of adverse impacts that could be caused as a result of development.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Staff: As described in previous findings, the proposed project is to take place in an areas that have been determined to be in 'good' and 'marginal' condition (A.XX). The project does not remove trees or other vegetation from the development area except for invasive and nuisance species. The project enhances and creates fish habitat in the tributary of the Sandy River and improves upland habitat adjacent to the tributary. The habitat enhancement includes adding large woody debris structures to create shade, crags, and protected areas for endangered salmonid. As such, no mitigation is required to off-set the project because the project will not result in the loss or degradation of a regulated natural resource area. The applicant is proposing additional vegetation plantings to improve the habitat areas and will revegetate any areas if disturbed by equipment.

Criteria met.

5.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern Permit for Water Resources to construct and enhance fish habitat in a tributary of the Sandy River in the Commercial Forest Use zone. This approval is subject to the conditions of approval established in this report.

6.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2013-3212 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form Submitted December 11, 2013
A.2	23	Site Agreement and Authorization Between Metro and the Sandy River Basin Watershed Council
A.3	10	Site Agreement and Authorization Between Camp Collins/YMCA of Columbia Willamette and the Sandy River Basin Watershed Council
A.4	1	Letter of Project Approval From the Oregon State Historic Preservation Office
A.5	1	December 11, 2013 Project Summary
A.6	1	Application Outline
A.7	3	December 11, 2013 Narrative
A.8	2	Letter of Approval From Oregon Department of Parks and Recreation, Scenic Waterways Permit
A.9	1	December 11, 2013 Overall Site Plan Cross Section Sheet 1.0
A.10	1	December 11, 2013 Project Construction Notes
A.11	1	December 11, 2013 Project Access Plan Sheet 1.1
A.12*	1	December 11, 2013 Project Layout and Access Plan Sheet 2.0
A.13*	1	December 11, 2013 Side Channel Layout and Topography Plan Sheet 3.0
A.14	1	December 11, 2013 Side Channel Inlet Design Plan Sheet 3.1
A.15*	1	December 11, 2013 Inlet Large Woody Debris Structure Plan Sheet 3.2
A.16*	1	December 11, 2013 Side Channel Alcove Design Plan Sheet 3.3
A.17	1	December 11, 2013 Valley Cross Section Plan Sheet 3.4

A.18	1	December 11, 2013 Large Wood Habitat Structure Design Plan Sheet 4.0
A.19	1	December 11, 2013 Large Wood Habitat Design Structure Plan Sheet 4.1
A.20	1	December 11, 2013 Large Wood Roughness Details Plan Sheet 4.2
A.21	3	Deed Recorded August 8, 2004 Conveying 17 Parcels Making up Oxbow Park and other Parks From Multnomah County to Metro. Notes Parcel #4 is Subject Parcel for a Portion of the Development
A.22	2	Deed Recorded August 29, 1963 Creating Parcel #4 in Exhibit A.21 – Area where Project is Located on Metro Property
A.23	6	Deed Recorded in 1962 in Book 2133, Pages 436 Through 441 Transferring Areas of Oxbow Park From the State of Oregon to Multnomah County
A.24	1	Applicant's Site Plan Showing Area of Land Making up Parcel 4 in Exhibit A.21
A.25	3	Applicant's Submitted Tax Lot Information
A.26	1	Applicant's Submitted Zoning Map From January 7, 1993
A.27	1	Applicant's Submitted Zoning Map From 1962
A.28	8	December 11, 2013 SEC-h Worksheet
A.29	10	December 11, 2013 Water Resources Assessment Report Authored by Siskiyou BioSurvey
A.30	6	December 11, 2013 Wildlife Conservation and Re-vegetation Plan
A.31	4	Copy of Multnomah Soils Survey for Subject Property
A.32	5	US Fish and Wildlife Wetlands Inventory and Characteristic Sheets
A.33	4	January 13, 2014 Modified Narrative
A.34	2	May 14, 2014 Narrative Addendum
'B'	#	Staff Exhibits
B.1	4	A&T Property Information
B.2	1	A&T Tax Map with Property Highlighted
B.3	2	January 10, 2014 Incomplete Letter
B.4	1	March 4, 2014 Complete Letter
B.5	10	March 10, 2014 Opportunity to Comment and Mailing List
B.6	1	1962 Zoning Map Displaying Tax Lot 26 Referenced in Deed of Creation

SANDY RIVER CHARACTERISTICS

Drainage Area	477 SQ. MILES
Average Reach Slope	47/1000 = 4.7%
Active Channel Width	(AVG) 300 FT
15% Annual Exceedance	4,220 cfs
2-Year Flow	27,700 cfs
10-Year Flow	50,600 cfs
50-Year Flow	75,500 cfs
100-Year Flow	87,800 cfs
In Water Work Period	JULY 15TH - AUGUST 31ST

RIVER DESIGN GROUP, INC.
 311 W Jefferson Avenue
 Carroll, IA 51401
 515.281.9229
 515.281.9227

PROJECT LAYOUT & ACCESS

SANDY RIVER - CLACKAMAS COUNTY, OREGON
 LOWER SANDY RIVER - CAMP COLLINS PROJECT

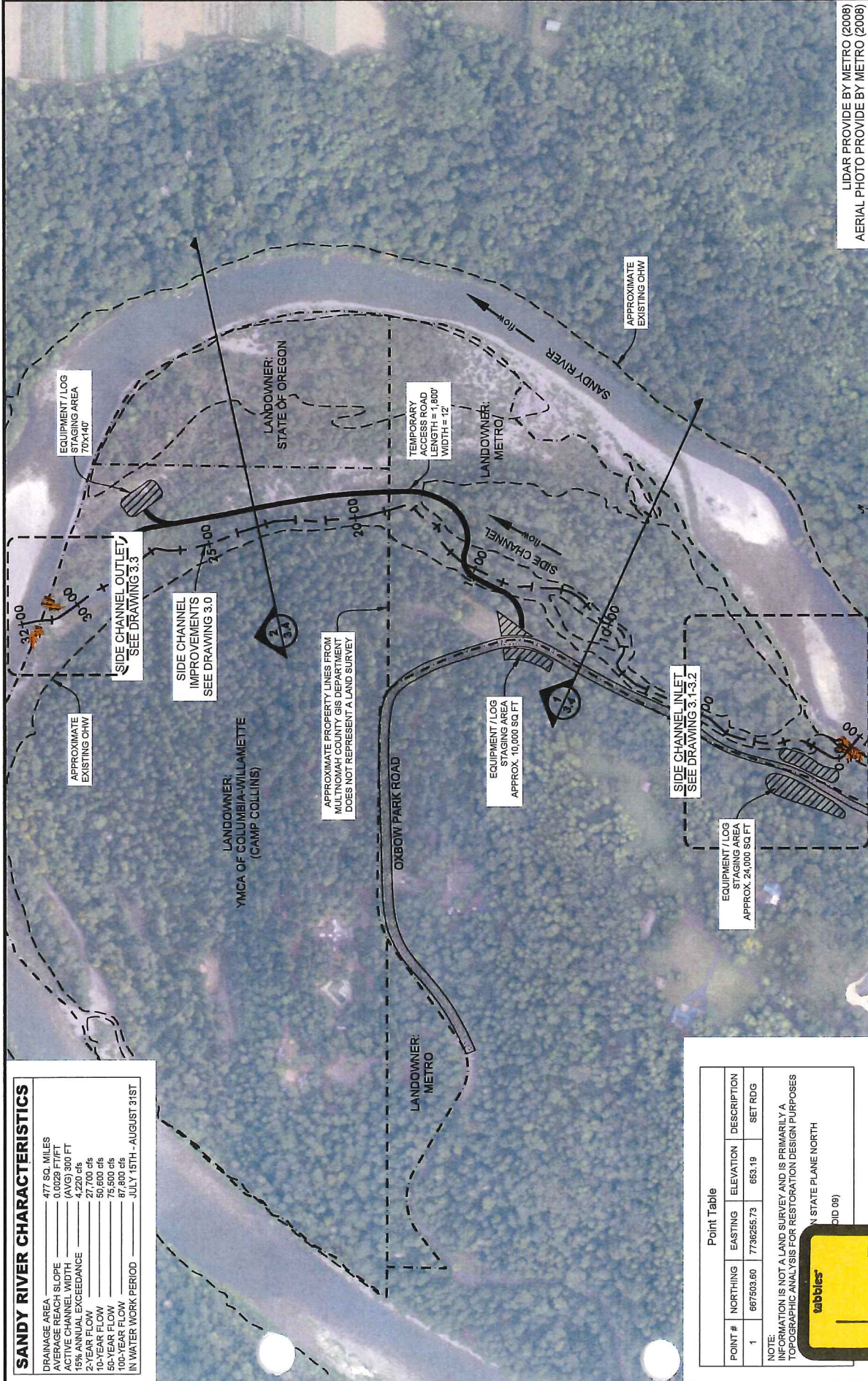
NO.	DATE	BY	DESCRIPTION	CHK
1	12/09/13	RB	75% REVIEW	SW

LIDAR PROVIDED BY METRO (2008)
 AERIAL PHOTO PROVIDED BY METRO (2008)

PROJECT LAYOUT
 1

DRAWING NUMBER
 2.0

Drawing 3 of 11



Point Table			
POINT #	NORTHING	EASTING	DESCRIPTION
1	667593.60	7736255.73	SET ROD

NOTE: INFORMATION IS NOT A LAND SURVEY AND IS PRIMARILY A TOPOGRAPHIC ANALYSIS FOR RESTORATION DESIGN PURPOSES.

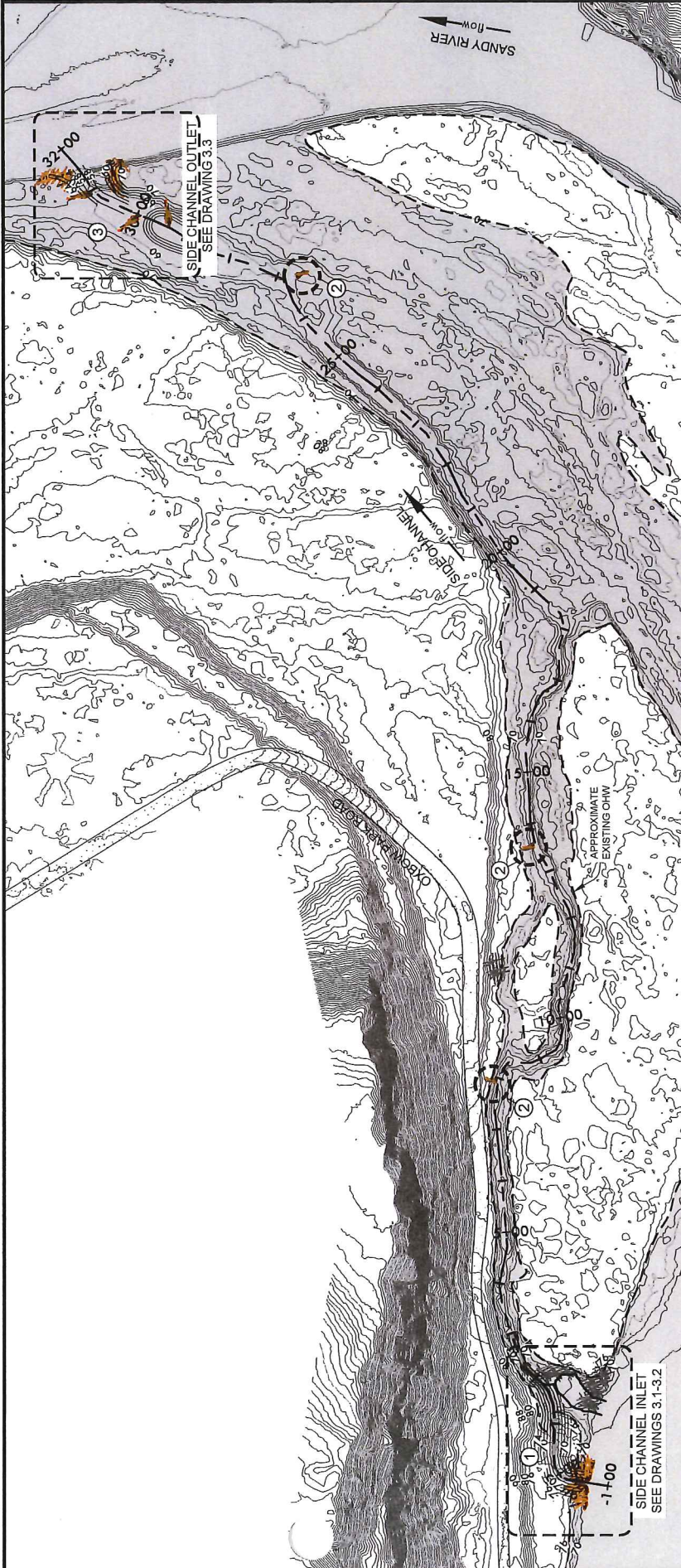
EXHIBIT
 A12

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SIDE CHANNEL LAYOUT LOWER SANDY RIVER - CAMP COLLINS PROJECT SANDY RIVER - CLACKAMAS COUNTY, OREGON

NO.	DATE	BY	DESCRIPTION	CHK
1	12/09/13	RB	75% REVIEW	SW

PROJECT NUMBER
 RD-15-003
 DRAWING NUMBER
3.0
 Drawing 4 of 11



CONSTRUCTION NOTES

- 1 ENHANCE EXISTING SIDE CHANNEL INLET PER DRAWING 3.1. EXCAVATE EXISTING SIDE CHANNEL TO THE LINES AND GRADE SHOWN ON DRAWINGS 3.1 - 3.2. THE INTENT IS TO OPEN THE SIDE CHANNEL TO ALLOW MORE FLOW AND INCREASE OVERALL HABITAT. (STA 0+00 TO 3+20)
- 2 EXCAVATE 3 POOLS (1-24 FT DEEPER THAN CHANNEL) AND CONSTRUCT LARGE WOOD HABITAT STRUCTURES TYPE A PER DRAWING 4.0 TO ENHANCE SIDE CHANNEL HABITAT. (STA 8+00 TO 27+00)
- 3 IMPROVE EXISTING SIDE CHANNEL OUTLET/ALCOVE AREA PER DRAWING 3.3. (STA 29+00 TO 31+50)

1 SIDE CHANNEL LAYOUT

CONTOUR INTERVAL = 2' 1" = 200'

2 SIDE CHANNEL PROFILE

HORIZ 1" = 200' VERT 1" = 40'

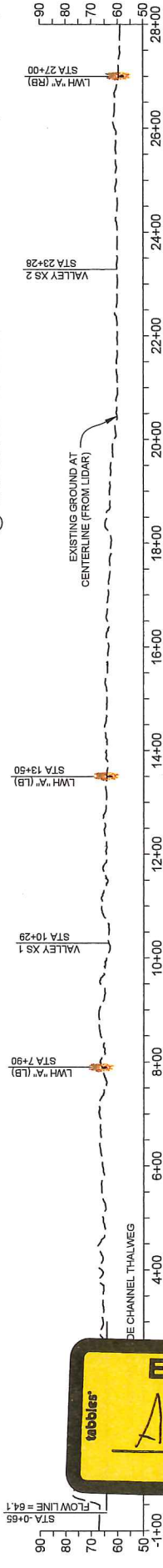


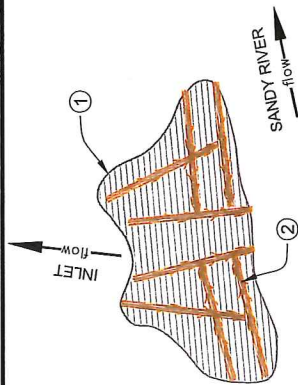
EXHIBIT
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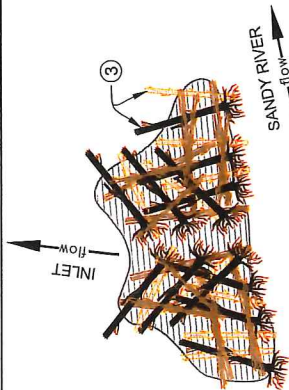
LWS TIER 1 (BOTTOM)

1" = 40'



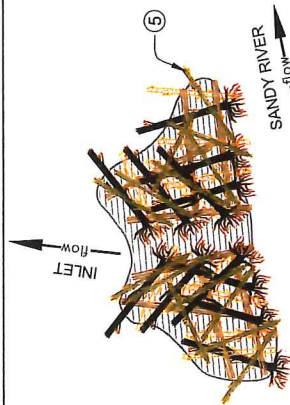
LWS TIER 2

1" = 40'



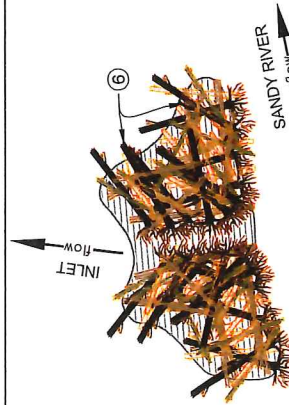
LWS TIER 3

1" = 40'



LWS TIER 4

1" = 40'



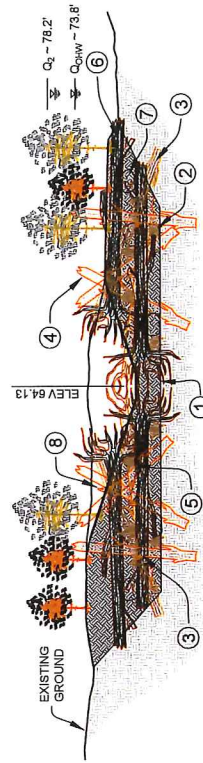
CONSTRUCTION NOTES

- EXCAVATE LOG STRUCTURE FOOTPRINT TO SPECIFIED DESIGN ELEVATIONS. STAGE EXCAVATED BOULDERS AND MATERIAL NEARBY AND OUTSIDE OF MOVING WATER. EXCAVATED MATERIAL WILL BE USED TO BACKFILL STRUCTURE AND AS BALLAST FOR LARGE WOOD.
- PLACE LONGITUDINAL LARGE WOOD BASE MEMBERS (TIER 1) IN STRUCTURE FOUNDATION FOOTPRINT. WEDGE LARGE WOOD BETWEEN BOULDERS IF PRESENT.
- PLACE KEY MEMBERS (TIER 2) WITH AND WITHOUT ROOTWAYS AND CONNECT TO BASE MEMBERS (TIER 1) WITH 1" DIAMETER ALL-THREAD ROD AS DESIGNATED IN CONSTRUCTION NOTE 8. EACH MEMBER SHALL BE CONNECTED IN AT LEAST 2 LOCATIONS.
- WEAVE SMALL DIAMETER WOOD INTO BASE MEMBERS AND KEY MEMBERS AT VARIABLE VERTICAL ANGLES AND EXTEND TO TOP OF LOG STRUCTURE. WOOD TO BE PUSHED INTO UNDISTURBED GROUND BELOW EXCAVATED FOOTPRINT. WOOD TO BE CUT IF NECESSARY SO AS TO NOT EXTEND MORE THAN 5' ABOVE TOP OF STRUCTURE. ALL SAWED ENDS SHALL BE ROUGHENED AND BROKEN.
- PLACE KEY MEMBERS (TIER 3) AND CONNECT TO BASE MEMBERS (TIER 1) AND KEY MEMBERS (TIER 2) WITH 1" DIAMETER ALL-THREAD ROD AS DESIGNATED IN CONSTRUCTION NOTE 8. EACH MEMBER SHALL BE CONNECTED IN AT LEAST 2 LOCATIONS.
- PLACE TOP MEMBERS (TIER 4) WITH AND WITHOUT ROOTWAYS AND CONNECT TO KEY MEMBERS (TIER 2 & 3) WITH 1" DIAMETER ALL-THREAD ROD AS DESIGNATED IN CONSTRUCTION NOTE 8. EACH MEMBER SHALL BE CONNECTED IN AT LEAST 2 LOCATIONS.
- PLACE BALLAST BOULDERS WITHIN STRUCTURE CONSISTING OF 3 FT DIAMETER BOULDERS. PLACE A MINIMUM OF 3 BOULDERS PER PIECE OF LARGE WOOD EXCLUDING SMALL DIAMETER WOOD PIECES. BACKFILL IN AND AROUND STRUCTURE WITH GRAVELS AND COBBLES EXCAVATED FROM THE STRUCTURE FOOTPRINT. BACKFILL SHALL BE WASHED INTO THE LARGE WOOD OPENING TO ENSURE ADEQUATE BALLAST. NEARBY CLUMP PLANTINGS OF WILLOW AND OTHER RIPARIAN PLANTS SHALL BE SECURED AND PLACED WITHIN THE BACKFILL AREAS AT A MINIMUM OF 1 CLUMP PLANT EVERY 10 FEET THROUGHOUT THE STRUCTURE.
- ANCHOR LARGE WOOD MEMBERS TOGETHER USING 1" DIAMETER ALL-THREAD ROD AT A MINIMUM OF 2 LOCATIONS FOR EACH PIECE OF LARGE WOOD. UTILIZE 1" DIAMETER ASTM A449 WITH 4" O.D. HEAVY PLATE WASHERS AND NUTS (A663B HEX HEAD NUT). ROD SHALL BE CUT FLUSH WITH NUT HEAD AFTER TIGHTENED AND EXPOSED END SHALL BE PAINTED WITH BROWN, RUST INHIBITING ALL WEATHER PAINT.

MATERIAL SCHEDULE

TIER	ITEM	QUANTITY	DIA. (IN)	LENGTH (FT)	ROOTWAD (Y/N)
TIER 1	BASE MEMBER	8	24	40	NO
TIER 2	KEY MEMBER	12	24	30	YES - 5' DIA. MIN.
TIER 2	LARGE WOOD	10	24	30	NO
TIER 3	LARGE WOOD	14	18 - 24	30	NO
TIER 4	KEY MEMBER	8	24	30	YES - 5' DIA. MIN.
TIER 4	LARGE WOOD	8	24	30	NO
	SMALL DIA. WOOD	16	12 - 18	20	NO
	BALLAST BOULDERS	180	36		
	ALL-THREAD ROD	104	1	4	

SIDE CHANNEL



1 LWS SECTION

HORIZ " = 20'
VERT " = 20'

75% REVIEW DRAWINGS

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EXHIBIT

A.15

INLET LARGE WOOD STRUCTURE

LOWER SANDY RIVER - CAMP COLLINS PROJECT
SANDY RIVER - CLACKAMAS COUNTY, OREGON

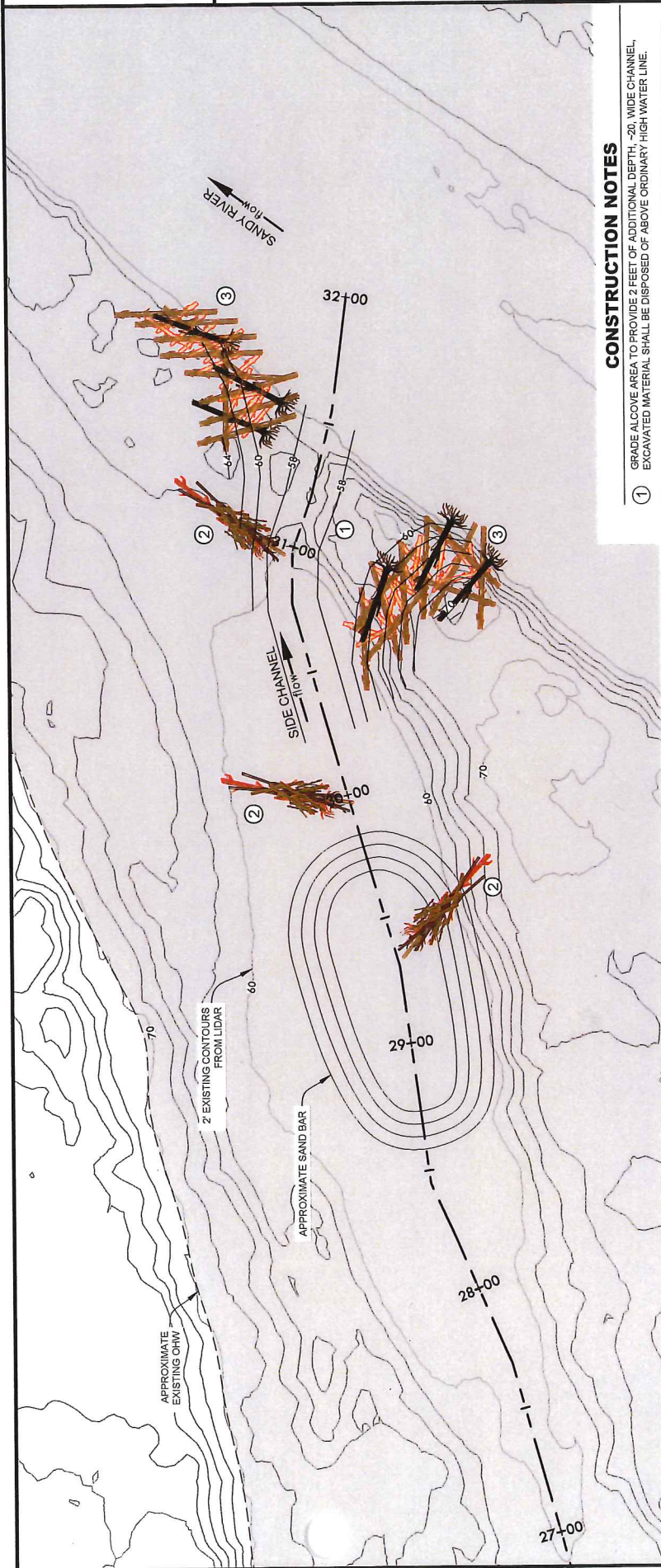
5098 Hwy 99 South
Whitcomb, OR 97133
311 W Jefferson Avenue
Corvallis, OR 97330
541.738.2920
RIVER DESIGN GROUP, INC.

NO.	DATE	BY	DESCRIPTION	CHK
*	12/09/13	RB	75% REVIEW	SW
PROJECT NUMBER	RDG-13003			
DRAWING NUMBER	3.2			

Drawing 5 of 11

NO.	DATE	BY	DESCRIPTION	CHK
1	12/09/13	RB	75% REVIEW	SW

PROJECT NUMBER	RD-15003
DRAWING NUMBER	3.3
Drawing	7 of 11



CONSTRUCTION NOTES

- GRADE ALCOVE AREA TO PROVIDE 2 FEET OF ADDITIONAL DEPTH, ~20' WIDE CHANNEL. EXCAVATED MATERIAL SHALL BE DISPOSED OF ABOVE ORDINARY HIGH WATER LINE.
- CONSTRUCT LARGE WOOD HABITAT STRUCTURE TYPE B PER DRAWING 4.1. (3 LOCATIONS)
- CONSTRUCT LARGE WOOD ROUGHNESS STRUCTURES PER DRAWING 4.2 (2 LOCATIONS)

1 SIDE CHANNEL OUTLET - ALCOVE
1" = 40'

2 SIDE CHANNEL OUTLET PROFILE
HORIZ 1" = 30'
VERT 1" = 20'

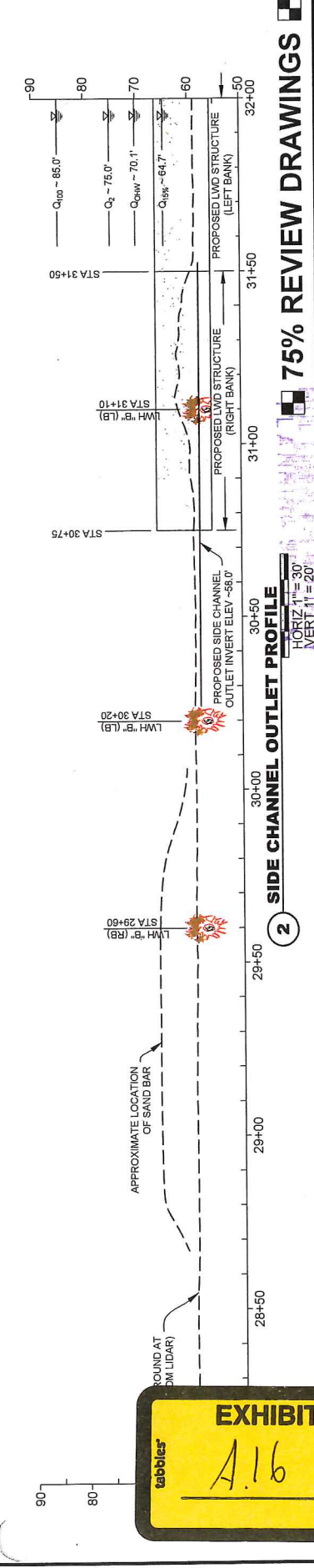


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