

NOTICE OF DECISION

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

Case File: T2-2018-9947

Permit: Significant Environmental Concern (SEC-g),
Significant Environmental Concern for wetlands (SEC-w), and
Lot of Record Determination

Location: See Map and Table on Page 2

Applicants: Tom Josephson – Columbia River Estuary Study Taskforce

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: Significant Environmental Concern (SEC-g) and Significant Environmental Concern for wetlands (SEC-w)

Summary: The applicant is seeking approval for habitat restoration work to restore the tidal channel connections between Sturgeon Lake and the Columbia River. The work will include the riparian habitat enhancement/restoration, removal/replacement of a culvert with a single-span bridge, the installation of a debris boom at the mouth of Dairy Creek, and restoring of the tidal channel.

Decision: Approved with Conditions


Unless appealed, this decision is effective Friday, June 8, 2018, at 4:00 PM.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Friday, June 8, 2018 at 4:00 pm.**

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.

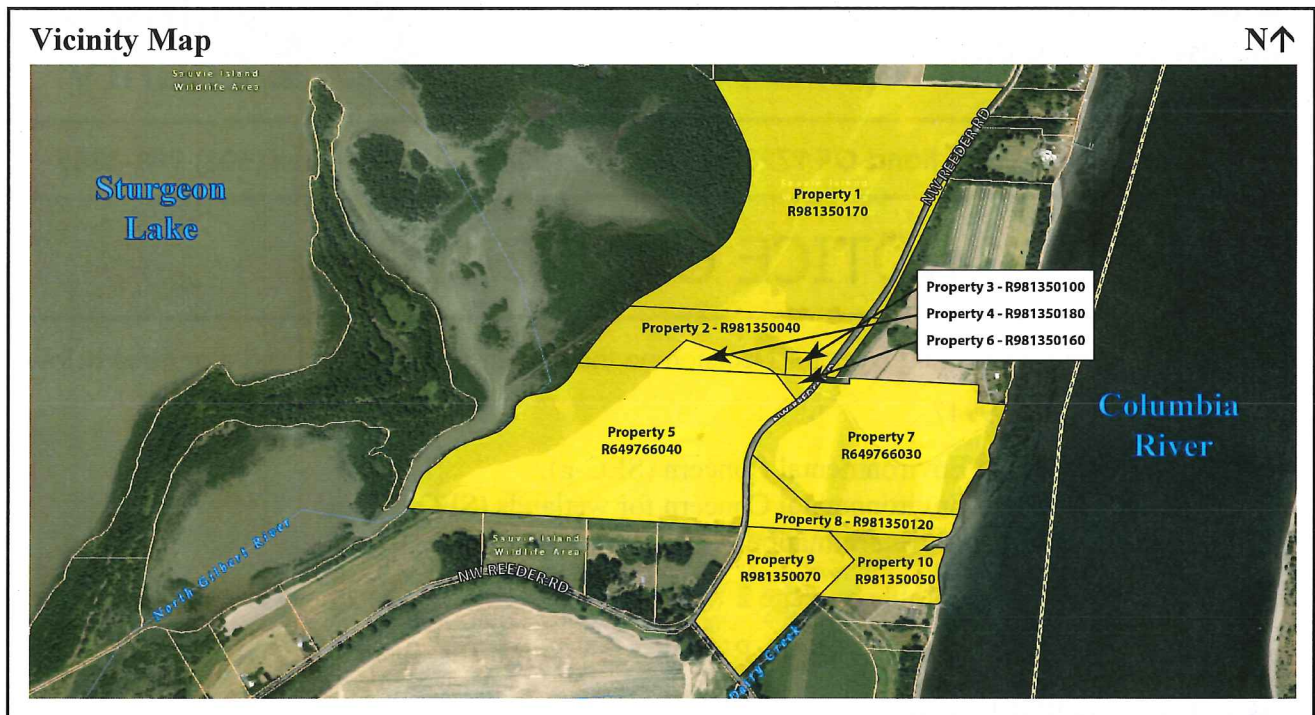
Issued by:

By:


Rithy Khut, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Friday, May 25, 2018



1. **Property 1:** No Situs Address Alt Acct #R981350170 / Property ID #R500739
Tax Lot 100, Section 35, Township 3 North, Range 1 West, W.M.
2. **Property 2:** No Situs Address Alt Acct #R981350040 / Property ID #R326122
Tax Lot 200, Section 35, Township 3 North, Range 1 West, W.M.
3. **Property 3:** No Situs Address Alt Acct #R981350100 / Property ID #R326126
Tax Lot 500, Section 35, Township 3 North, Range 1 West, W.M.
4. **Property 4:** No Situs Address Alt Acct #R981350180 / Property ID #R326134
Tax Lot 600, Section 35B, Township 3 North, Range 1 West, W.M.
5. **Property 5:** No Situs Address Alt Acct #R649766040 / Property ID #R239300
Tax Lot 100, Section 34, Township 3 North, Range 1 West, W.M.
6. **Property 6:** No Situs Address Alt Acct #R981350160 / Property ID #R326133
Tax Lot 400, Section 35B, Township 3 North, Range 1 West, W.M.
7. **Property 7:** 24508 NW Reeder Road Alt Acct #R649766030 / Property ID #R239299
Tax Lot 300, Section 35B, Township 3 North, Range 1 West, W.M.
8. **Property 8:** 24500 NW Reeder Road Alt Acct #R981350120 / Property ID #R326128
Tax Lot 100, Section 35C, Township 3 North, Range 1 West, W.M.
9. **Property 9:** 24325 NW Reeder Road Alt Acct #R981350070 / Property ID #R326124
Tax Lot 200, Section 35C, Township 3 North, Range 1 West, W.M.
10. **Property 10:** 23820 NW Gillihan Road Alt Acct #R981350050 / Property ID #R326123
Tax Lot 300, Section 35C, Township 3 North, Range 1 West, W.M.

Owners: Property 1, 2, 4, and 6 - Oregon State Department of Fish and Wildlife
 Property 3, 5, and 7 - Michael J and Phyllis Cereghino
 Property 8 - Jack Dewain Wilkins Trust and Michael Wilkins
 Property 9 - Adam and Megan Tedeschi
 Property 10 - Donald Young and Martha Berndt

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 Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications, MCC 33.0005 Definitions

Exclusive Farm Use: MCC 34.2620 Allowed Uses, MCC 34.2675 Lot of Record

Multiple Use Agriculture MUA-20: MCC 34.2820 Allowed Uses, MCC 34.2855 Dimensional Requirements and Development Standards, MCC 34.2870 Lot of Record

Significant Environmental Concern – SEC: MCC 34.4555 Criteria for Approval of SEC Permit, MCC 34.4560 Criteria for Approval of SEC-w Permit – Significant Wetlands

Comprehensive Plan Policies: Water Quality and Erosion Control Policy 5.6, Cultural and Archeological Resources Policy 6.4

Copies of the referenced Multnomah County Code (MCC) can be obtained by visiting our website at <https://www.multco.us/landuse/> or by contacting our office at (503) 988-3043.

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. 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 when construction has not commenced within two (2) years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility, development, or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway. Alternatively, this land use permit expires when the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. [MCC 37.0690]

- **Note:** 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 shall be submitted prior to the expiration of the approval period. [MCC 37.0690(A)]

3. Prior to work commencing and through the duration of the project, the applicant(s), owner(s), or their representative(s) shall:
 - a) Acquire and hold in good standing any and all right-of-way permits for any work done within County right-of-way. Please contact Right of Way at row.permits@multco.us or (503) 988-3582 for permit requirements. [MCC 29.506 and MCC 34.2820(I)]
 - b) Flag, fence, or otherwise mark, the project area as described in the Site Plans Sheet No. G-004, CG-101, CG-102, and CG-501. These measures shall remain undisturbed except as otherwise allowed by this district. Such flagging, fencing, and/or markings shall be maintained until construction is complete. [MCC 34.4555(J) and MCC 34.4560(B)(3)]
4. As an on-going condition throughout the duration of the proposed project, the applicant(s), owner(s), or their representative(s) shall:
 - a) Conduct all in-water work between July 1 to October 31, unless the State of Oregon grants an extension or alteration of the timeframe for the in-water work period. [MCC 34.4555(F), MCC 34.4555(J), and MCC 34.4560(B)(3)]
 - b) Stage equipment or vehicles no closer than 150 feet from the stream or water body. [MCC 34.4555(J), MCC 34.4560(B)(3), and MCC 34.4560(B)(4)]
 - c) Refuel equipment within the vehicle staging area. [MCC 34.4555(J) and MCC 34.4560(B)(3)]
 - d) Inspect any equipment or vehicle working in-stream, daily, prior to entering the water body to ensure there are no leaks or hazardous materials present. [MCC 34.4555(J) and MCC 34.4560(B)(3)]
 - e) Not store hazardous materials as determined by DEQ. [MCC 34.4555(J) and MCC 34.4560(B)(3)]
5. The following procedures shall be in effect if any Cultural Resources and/or Archaeological Resources are located or discovered on the tax lots or within the project area, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts:
 - a) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b) Notification – The project applicant shall notify the County Planning Director and the State Historic Preservation Office (SHPO) within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
 - c) Survey and Evaluation – The applicant shall follow any and all procedures outlines by SHPO and if necessary obtain the appropriate permits (see ORS 273.705 and ORS 358.905 to 358.955).
 - d) All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- a. Construction activities may recommence when SHPO requirements are satisfied. [MCC 34.4555(H) and Comprehensive Plan Policy 6.4]
6. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - b. Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - c. Notification – Local law enforcement officials, the Multnomah County Planning Director, State Historic Preservation Office and the Indian tribal governments shall be contacted immediately.
 - d. Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - e. Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and this protection process may conclude.
 - f. Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760. [MCC 34.4555(H) and Comprehensive Plan Policy 6.4]
7. At the completion of the proposed development and construction activities, the applicant(s), owner(s) or their representatives shall:
 - a) Apply and implement all of the recommended Mitigation and Monitoring actions, as required by the Sturgeon Lake/Dairy Creek Restoration Project Mitigation and Monitoring Plan, dated on February 27, 2018 and Site Plan L-101, L-102, and L501. [MCC 34.4555(G) and MCC 34.4560(D)]
 - b) Seed and mulch all disturbed soils to prevent erosion and sedimentation in the channel. [MCC 34.4555(J) and MCC 34.4560(D)]
8. A post-construction report shall be prepared, stamped and signed by an Oregon Professional Engineer and provided to Multnomah County Land Use Planning within 90 days of completion of the project. The post-construction report shall confirm the project has been completed in compliance with approved designs and all conditions of Multnomah County Land Use Permit T2-2018-9947. Any variation from approved designs or conditions of approval shall be clearly indicated. The post-construction report shall include:
 - a) Dated pre- and post-construction photos taken of the side channel and areas of disturbance for construction. The photos should clearly show the site conditions before and after construction.
 - b) A narrative that describes any deviation from the approved plans. [MCC 34.4560(D)]
9. The applicant or their representative shall monitor all project sites to determine whether 80% of each type of vegetation (trees, shrubs, ground cover) planted continues to live, thrive and grow for a minimum period of 5 growing seasons after completion of all the initial plantings. Annual monitoring reports are required. [MCC 37.0660 and MCC 34.4560(D)]
 - a) For any replanted area that falls below the 50% threshold shall be replanted during the next planting season. [MCC 37.0660 and MCC 34.4560(D)]

- b) Annual Monitoring Report Due Date: Annual monitoring reports are due by November 30th of each year. [MCC 37.0660 and MCC 34.4560(D)]
- c) Extension of the Monitoring Period: The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two consecutive years (without irrigation or replanting), or when needed to evaluate replanting or other corrective or remedial actions. [MCC 37.0660 and MCC 34.4560(D)]
- d) Release of Monitoring Obligation: Monitoring is required until Land Use Planning has officially released the site from further monitoring. [MCC 37.0660 and MCC 34.4560(D)]
- e) Failure to Submit Monitoring Reports: Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, forfeiture of the financial security and/ or enforcement action. [MCC 37.0660 and MCC 34.4560(D)]
- f) The annual monitoring report shall include the following information:
 - i. The permit number, monitoring date, report year, and a determination of whether the site is meeting performance standard of Condition No. 9.
 - ii. Post construction photographs of each monitoring area taken within the last 30 day prior to the report date.
 - iii. A brief narrative that describes maintenance activities and recommendations to meet performance standard. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
 - iv. Any other information necessary or required to document compliance with the performance standard listed in Condition No. 9. [MCC 37.0660 and MCC 34.4560(D)]

Note: Once this decision is final, application for building permits, if needed, may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Rithy Khut, at (503) 988-0176 or at rithy.khut@multco.us for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

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.

STURGEON LAKE RESTORATION PROJECT

DRAWINGS FOR: FINAL DESIGN

RECEIVED
JAN 19 2018

BY:

SHEET INDEX

GENERAL DRAWINGS:

- 01 COVER SHEET, SHEET INDEX, PROJECT LOCATION, AND VICINITY MAP
- 02 STANDED ELEVATION, PROFILE, AND CROSS SECTIONS
- 03 EXISTING CONDITIONS AND SURVEY CONTROL
- 04 SITE ACCESS AND CONSTRUCTION LIMITS
- 05 OVERALL SITE AND KEY PLAN
- 06 CONSTRUCTION NOTES - PAGE 1
- 07 CONSTRUCTION NOTES - PAGE 2
- 08 HIR-II STANDARD ESOP NOTES
- 09 ODEG STANDARD ESOP NOTES
- 10 POST - CONSTRUCTION WORK - NA
- 11 SEQUENCING AND DEWATERING PLAN
- 12 TEMPORARY DETOUR ROAD
- 13 DISPOSAL PLAN & SECTIONS

CHANNEL CONSTRUCTION DRAWINGS

- 13 CHANNEL PLAN AND PROFILE STA. 10+00 TO 15+00
- 14 CHANNEL PLAN AND PROFILE STA. 15+00 TO 20+00
- 15 CHANNEL PLAN AND PROFILE STA. 20+00 TO 25+00
- 16 CHANNEL PLAN AND PROFILE STA. 25+00 TO 30+00
- 17 CHANNEL PLAN AND PROFILE STA. 30+00 TO 35+00
- 18 CHANNEL PLAN AND PROFILE STA. 35+00 TO 40+00
- 19 CHANNEL PLAN AND PROFILE STA. 40+00 TO 45+00
- 20 CHANNEL PLAN AND PROFILE STA. 45+00 TO 50+00
- 21 CHANNEL CROSS SECTIONS I
- 22 CHANNEL CROSS SECTIONS II
- 23 CHANNEL CROSS SECTIONS III
- 24 CHANNEL TYPICAL SECTION AND ACCESS ROAD SECTION
- 25 CHANNEL ACCESS ROAD PLAN AND PROFILES I
- 26 CHANNEL ACCESS ROAD PLAN AND PROFILES II
- 27 STORMWATER SWALE PLAN, PROFILE, AND CROSS SECTION
- 28 CHANNEL ENTRANCE PLAN
- 29 ROUGHENED ROCK TOE SECTIONS 1
- 30 ROUGHENED ROCK TOE SECTIONS 2
- 31 WOOD HABITAT STRUCTURE DETAILS

ROADWAY DRAWINGS:

- 31 REEDER ROAD PLAN AND PROFILE

BRIDGE DRAWINGS:

- 32 PLAN AND ELEVATION
- 33 GENERAL NOTES
- 34 END BENT DETAILS
- 35 WINGWALL DETAILS
- 36 S-105
- 37 DECK PLAN
- 38 BEAM SCHEDULE

DEBRIS BOOM DRAWINGS:

- 39 DEBRIS BOOM PLAN
- 40 DEBRIS BOOM DETAILS
- 41 SC-501
- 42 PLANTING PLAN WEST
- 43 PLANTING PLAN EAST
- 44 PLANTING DETAILS

EROSION CONTROL DRAWINGS:

- 45 CG-101
- 46 EROSION CONTROL PLAN WEST
- 47 EROSION CONTROL PLAN EAST
- 48 EROSION CONTROL DETAILS

PROJECT ENGINEER

WOLF WATER RESOURCES, INC.
1001 SE WATER AVE, SUITE 180
PORTLAND, OR 97214
(503) 207-6888

STRUCTURAL ENGINEER

HDR
1001 SW 5TH AVE, SUITE 1800
PORTLAND, OR 97204
(503) 423-3700

GEOTECHNICAL ENGINEER

CORNFORTH CONSULTANTS
10280 SW GREENBURG RD, #111
PORTLAND, OR 97223
(503) 422-1100

ATTENTION TO EXCAVATORS:
TO FOLLOW RULES ADOPTED BY THE
BOARD OF EXCAVATORS, EXCAVATORS
THOSE RULES ARE SET FORTH IN OUR
952-001-0010 THROUGH OUR
952-001-0010 THROUGH OUR
COPIES OF THE RULES BY CALLING THE
CENTER. THE TELEPHONE NUMBER FOR
THE OREGON UTILITY INFORMATION
CENTER IS 503-232-1987.

POTENTIAL UNDERGROUND FACILITY DUMPEE

Dig Safely.
Call the Oregon One-Call Center
DIAL 811 or 1-800-532-2344

EMERGENCY TELEPHONE NUMBERS

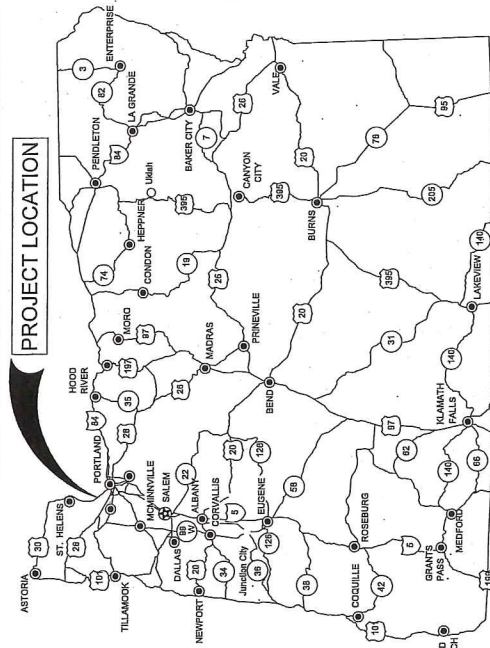
NW NATURAL GAS	503-228-4211 Ext. 4313
N-F 2nd-6pm	503-228-4211
AFTER HOURS	503-228-4211
PORTLAND	503-228-4211
CENTURULINK	1-800-371-1311
CITY BUREAU OF MAINTENANCE	503-832-1700
CITY WATER	503-832-4874
VERION	1-800-463-1000

ODTW IN-WATER WORK PERIOD:

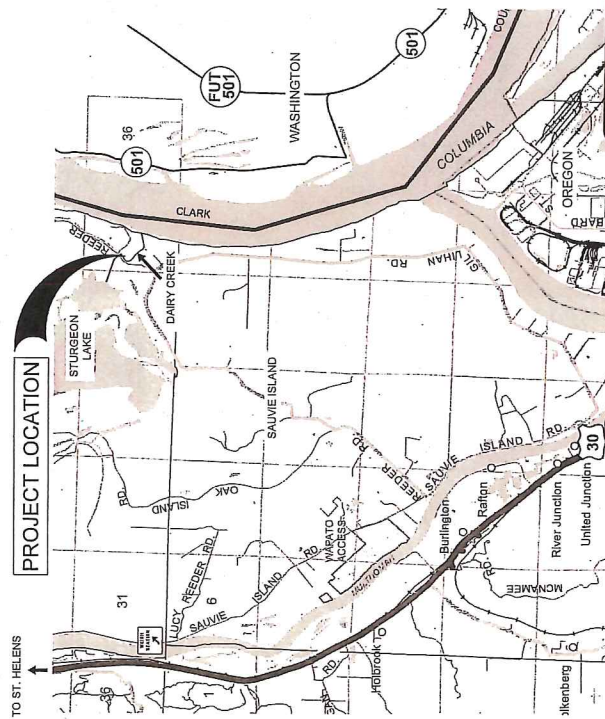
JULY 1 - OCTOBER 31

DIRECTIONS FROM PORTLAND:

NORTH ON HIGHWAY 30 TO SAVVIE ISLAND BRIDGE;
NORTH ON SAVVIE ISLAND ROAD; NORTHEAST ON
REEDER ROAD 4.8 MILES



A OREGON STATE MAP
NTS



B VICINITY MAP
NTS

EXHIBIT
A.15

SHEET ID
G-001
SHEET NO
01 of 47

COVER SHEET, SHEET INDEX,
PROJECT LOCATION, AND VICINITY MAP

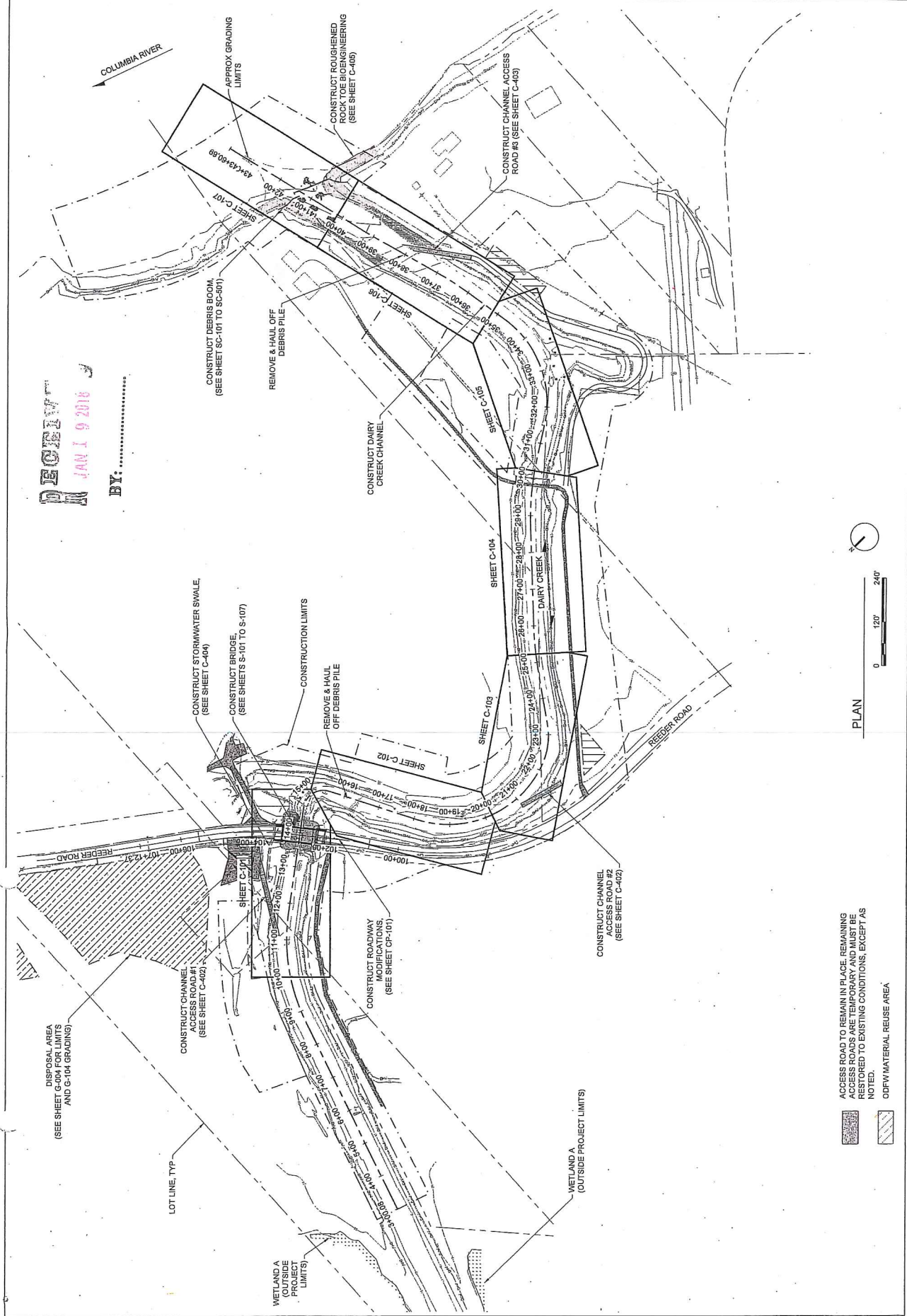
COLUMBIA RIVER ESTUARY
STUDY MAP-ORCE
ASTORIA, OR 97103
DESIGNED BY:
DRAWN BY:
CHECKED BY:
SUBMITTED BY:
W.R. & H.R.

ISSUE DATE:
1/22/2017
CONSTRUCTION NO.:
CONTRACT NO.:
CHECKED BY:
SUBMITTED BY:

MARK	DESCRIPTION	DATE



MARK	DESCRIPTION	DATE



ACCESS ROAD TO REMAIN IN PLACE. REMAINING ACCESS ROADS ARE TEMPORARY AND MUST BE RESTORED TO EXISTING CONDITIONS, EXCEPT AS NOTED.

ODFW MATERIAL REUSE AREA

PLAN

12. FLAGGER REQUIRED AT ALL TIMES DURING TRUCK TRAFFIC ON PRIVATE DRIVEWAY AND DISPOSAL AREA ACCESS. TRUCKS MUST WAIT TO PROCEED UNTIL THE LAST VEHICLE TRAVELING IN DESIRED DIRECTION PASSES. CONTRACTOR TO SUPPLY FLAGGING PLANS.

13. CONTRACTOR TO COVER ANY CONFLICTING PERMANENT SIGNS WHILE TEMPORARY TRAFFIC CONTROL IS IN PLACE.

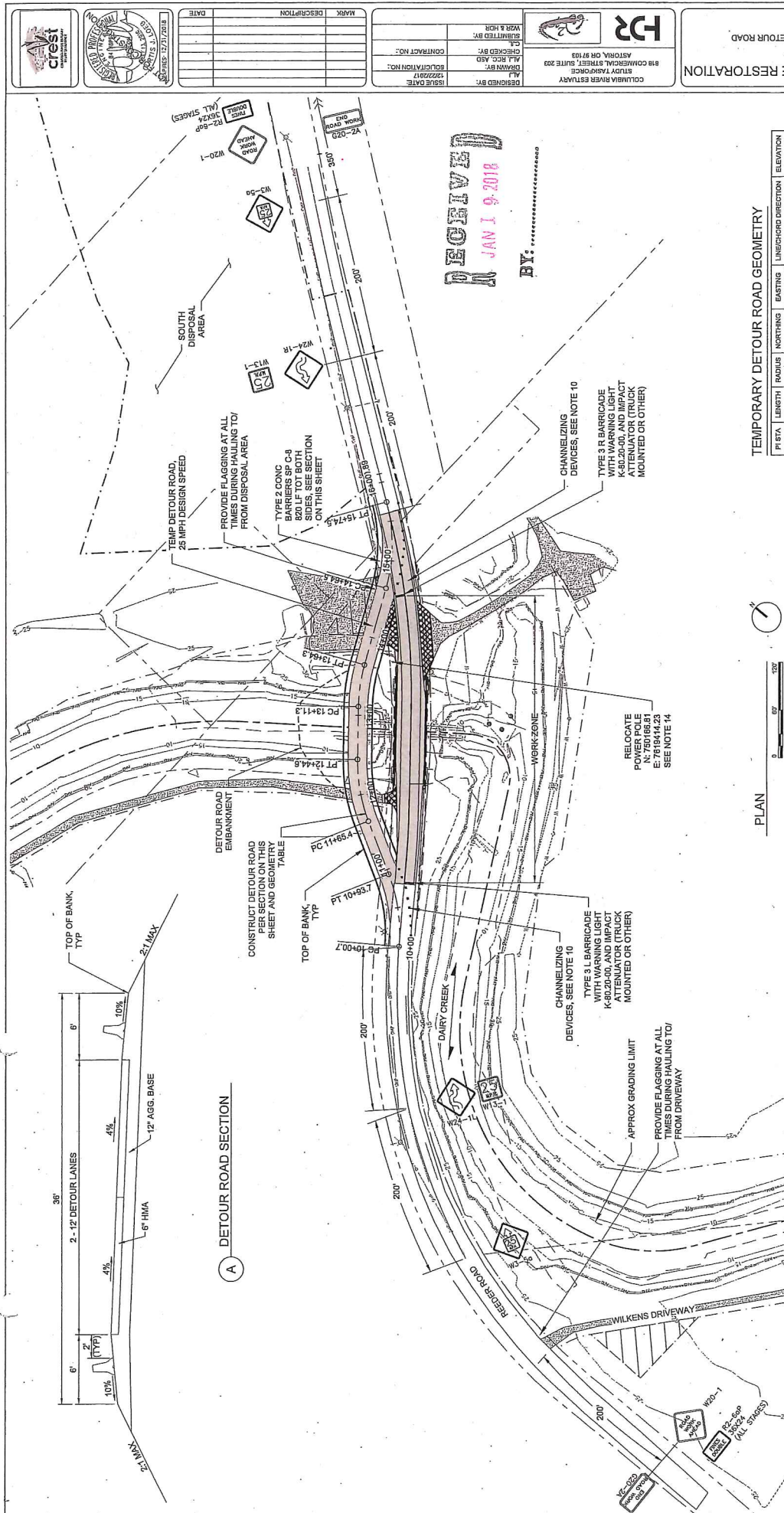
14. COORDINATE WITH UTILITY DURING CONSTRUCTION FOR POLE RELOCATION. POLE LOCATION IS THE RESPONSIBILITY OF UTILITY. POLE RELOCATION MAY OCCUR PRIOR TO CONSTRUCTION.

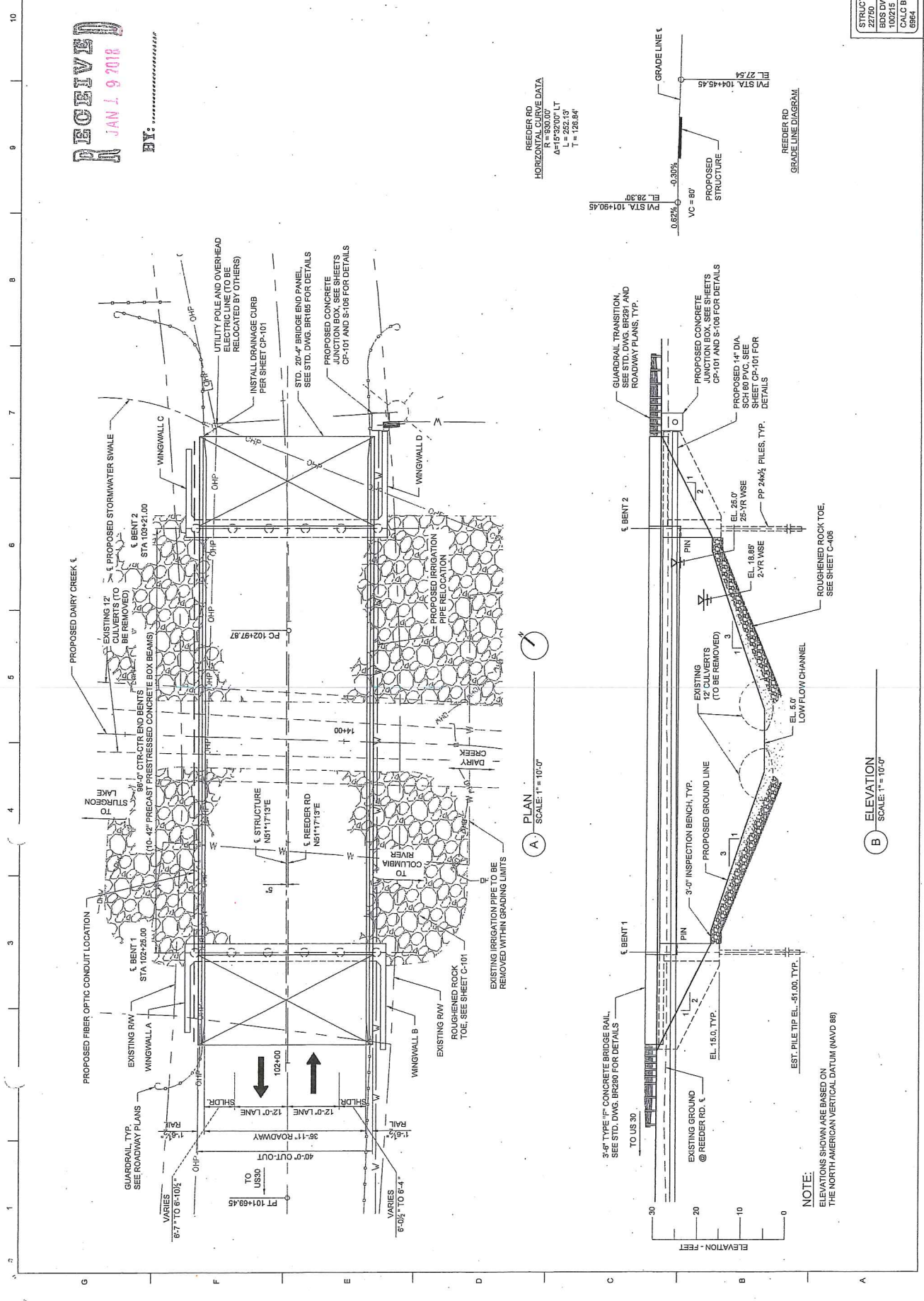
12. FLAGGER REQUIRED AT ALL TIMES DURING TRUCK TRAFFIC ON PRIVATE DRIVEWAY AND DISPOSAL AREA ACCESS. TRUCKS MUST WAIT TO PROCEED UNTIL THE LAST VEHICLE TRAVELING IN DESIRED DIRECTION PASSES. CONTRACTOR TO SUPPLY FLAGGING PLAN.
13. CONTRACTOR TO COVER ANY CONFLICTING PERMANENT SIGNS WHILE TEMPORARY TRAFFIC CONTROL IS IN PLACE.
14. COORDINATE WITH UTILITY DURING CONSTRUCTION FOR POLE RELOCATION. POLE LOCATION IS THE RESPONSIBILITY OF UTILITY. POLE RELOCATION MAY OCCUR PRIOR TO CONSTRUCTION.

7. ALL SIGNS ARE BLACK AND ORANGE UNLESS OTHERWISE NOTED
"BAY" (BLACK ON WHITE), DIAMOND 46 X 46".
8. ALL TRAFFIC SIGNS ARE TO BE POSTED UPON CLASS A, UNLESS
OTHERWISE NOTED.
9. PORTABLE CHANGEABLE MESSAGE SIGNS ARE TO BE USED FOR
EMERGENCIES ONLY AND ARE NOT FOR DAILY USE. LOCATION AND
MESSAGE SHALL BE DETERMINED BY THE ENGINEER.
10. CHANNELIZING DEVICES SHALL MEET POST STD SPEC 8.4.9.1
TRAFFIC CONTROL DEVICES SHALL NOT ENDOURAGE INTO ADJACENT
LANE. MAINTAIN MIN LANE WIDTH AT ALL TIMES. ADJUST TO FIELD
CONDITIONS.
11. ALL TRAFFIC CONTROL SHALL ADHERE TO MUTCD GUIDELINES.

1. CONTRACTOR TO DEVELOP TCF FOR APPROVAL PRIOR TO CONSTRUCTION.
2. DETOUR ROAD SHALL BE MARKED FOR 25 MPH.
3. DETOUR ROAD CURVATURE RADII ARE 205.0'.
4. A PORTION OF THE DISPOSAL AREA CAN BE USED AS A BORROW AREA FOR THE TEMPORARY DETOUR ROAD CONSTRUCTION AS DIRECTED BY CAR.
5. TEMP ROAD BASE COURSE THICKNESS TO VARY AS NECESSARY TO PROVIDE SMOOTH TRANSITION TO FIRM REEDED ROAD.
6. UPON COMPLETION OF REEDED ROAD THE INTERIM DETOUR SHALL BE REMOVED IN ITS ENTIRETY.

DATE: Dec 22, 2017 4:23pm XREFS: AEC, TileBlock, ANSI, D, X, Survey, X, Design, X, Limits, X, Point, Tables, X, Vegetation, Dairy Creek - Surface, X, Roads
DWG: C:\egnyte\shred\WZ\ACAD\2005-CREEST Dairy Ck\DWG\SHEDS\6-103.dwg
USER: Ananda



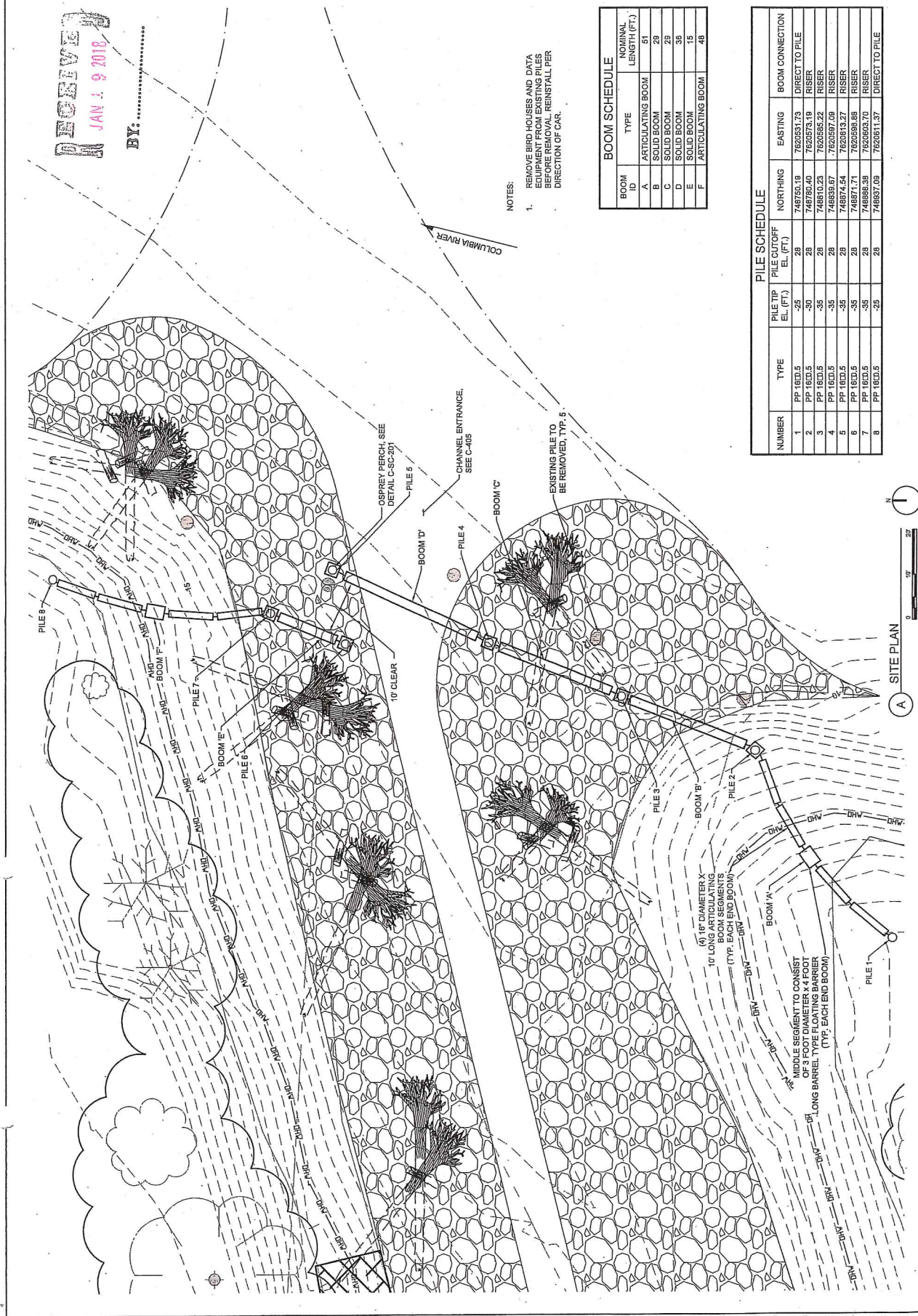


BOOM SCHEDULE		
BOOM ID	TYPE	NOMINAL LENGTH (FT.)
A	ARTICULATING BOOM	51
B	SOLID BOOM	29
C	SOLID BOOM	29
D	SOLID BOOM	38
E	SOLID BOOM	15
F	ARTICULATING BOOM	48

PILE SCHEDULE					
NUMBER	TYPE	PILE TIP, EL. (FT.)	NORTHING	EASTING	BOOM CONNECTION
1	PP 18D.5	-25	748750.19	762053.19	DIRECT TO PILE
2	PP 18D.5	-30	748750.40	762053.73	RISER
3	PP 18D.5	-35	748810.23	762058.22	RISER
4	PP 18D.5	-35	748830.67	762059.09	RISER
5	PP 18D.5	-35	748874.54	762053.127	RISER
6	PP 18D.5	-35	748871.71	762058.68	RISER
7	PP 18D.5	-35	748868.38	762050.03	RISER
8	PP 18D.5	-25	748807.08	762051.37	DIRECT TO PILE

NOTES:

1. REMOVE BIRD HOUSES AND DATA EQUIPMENT FROM EXISTING PILES BEFORE REMOVAL. REINSTALL PER DIRECTION OF CAR.



① SITE PLAN

$$z \in$$

PLAN

SIT

1

11

FDH

1.

—

1

—

1

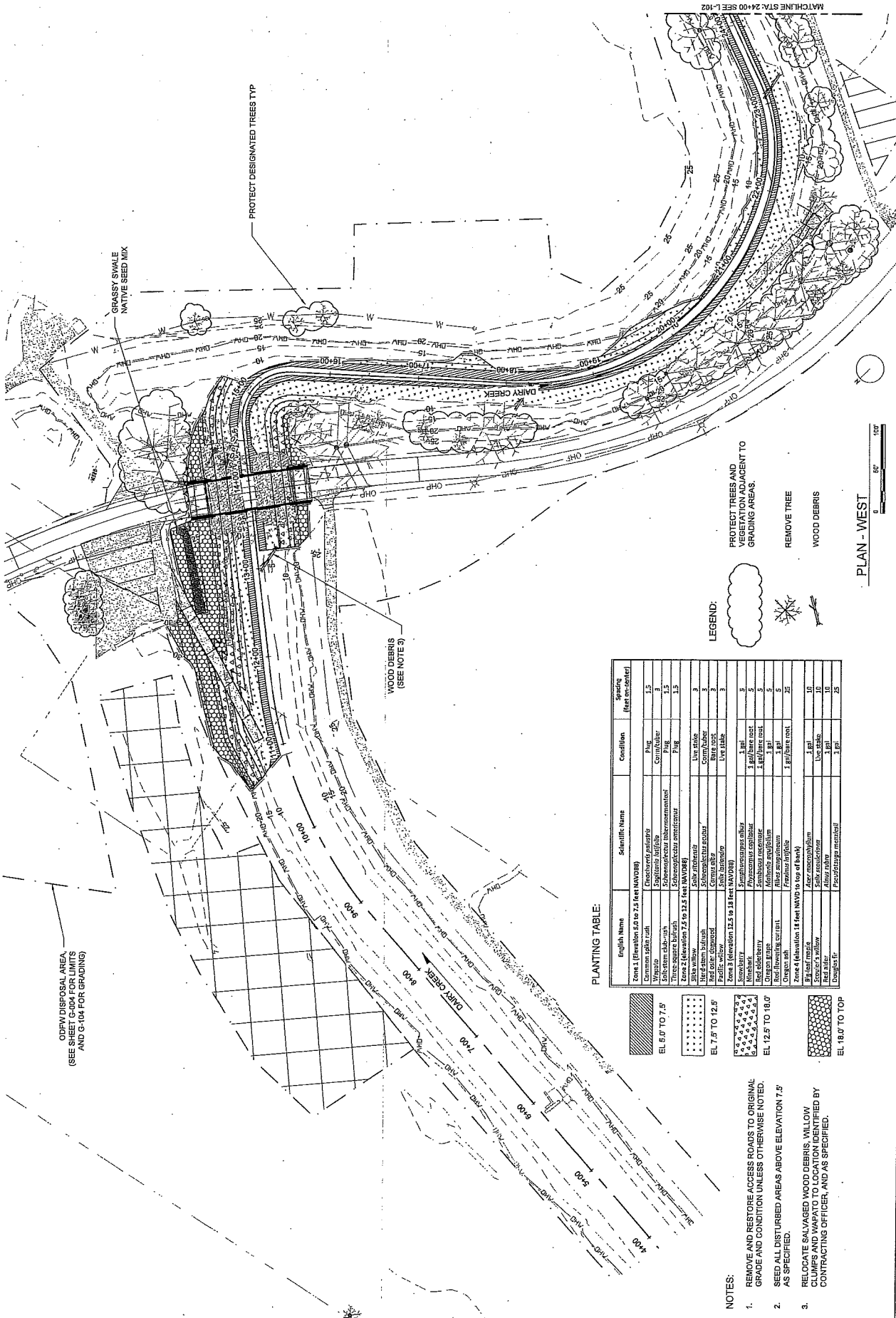
A

11

11

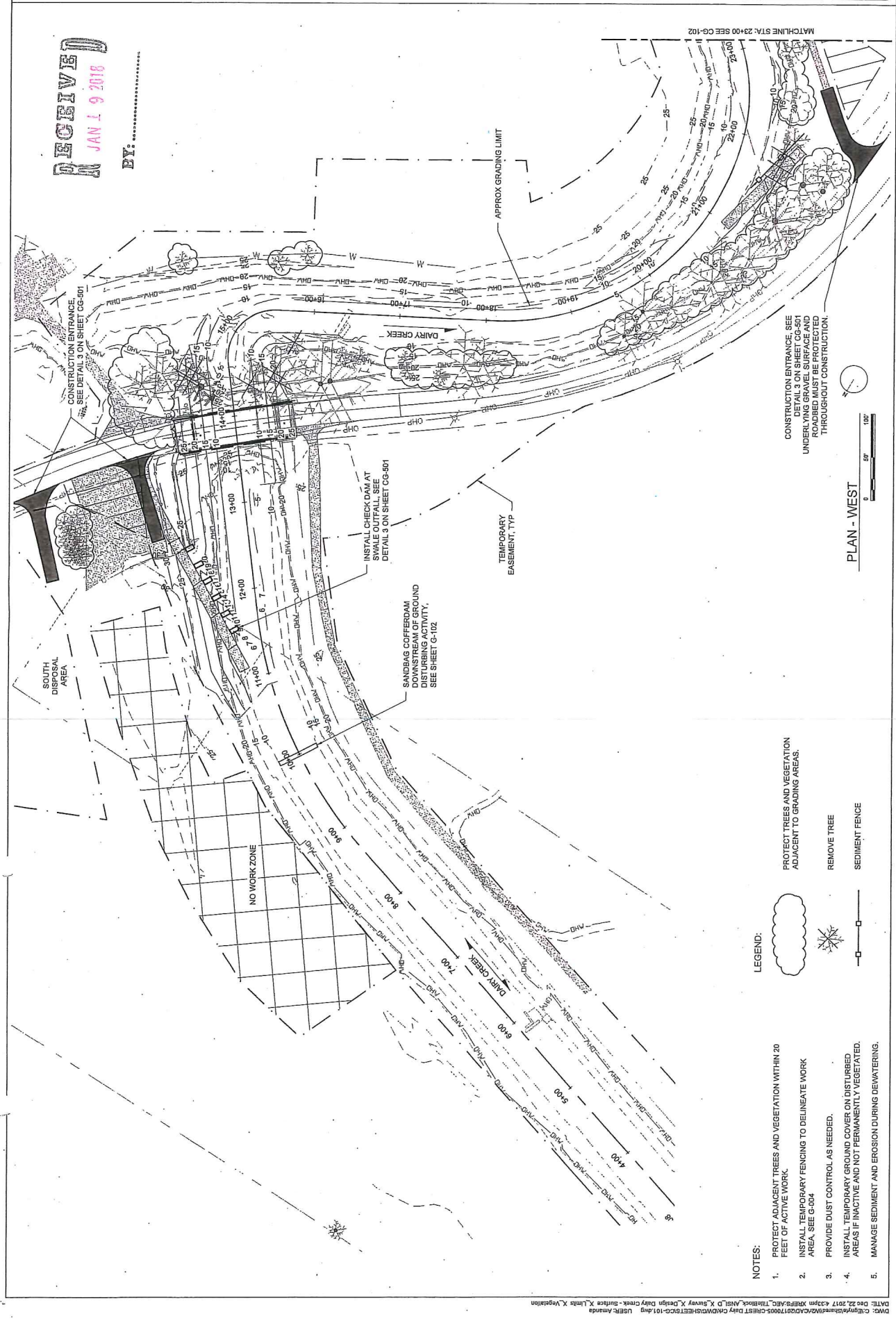
11

22

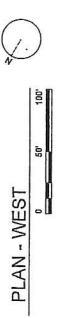
[illegible]

NOTES:

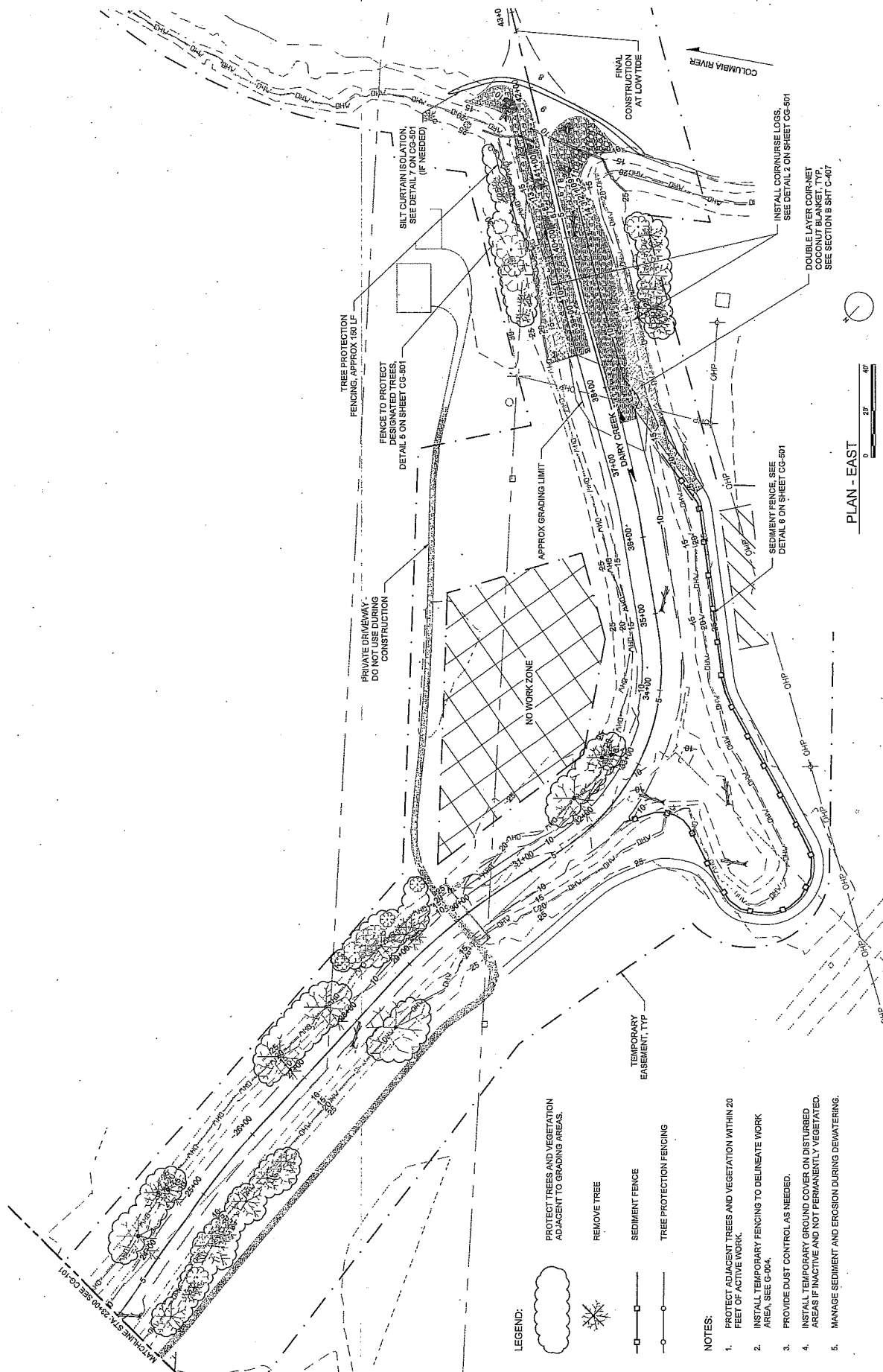
1. REMOVE AND RESTORE ACCESS ROADS TO ORIGINAL GRADE AND CONDITION UNLESS OTHERWISE NOTED.
2. SEED ALL DISTURBED AREAS ABOVE ELEVATION 7.5' WITH THE FOLLOWING:
 1. RELOCATE SALVAGED WOOD DEBRIS, WILLOW CLUMPS AND WAPATO TO LOCATION IDENTIFIED BY CONTRACTING OFFICER, AND AS SPECIFIED.



- NOTES:**
- PROTECT ADJACENT TREES AND VEGETATION WITHIN 20 FEET OF ACTIVE WORK.
 - INSTALL TEMPORARY FENCING TO DELINEATE WORK AREA. SEE G-004
 - PROVIDE DUST CONTROL AS NEEDED.
 - INSTALL TEMPORARY GROUND COVER ON DISTURBED AREAS IF INACTIVE AND NOT PERMANENTLY VEGETATED.
 - MANAGE SEDIMENT AND EROSION DURING DEWATERING.
- LEGEND:**
- PROTECT TREES AND VEGETATION ADJACENT TO GRADING AREAS.
 - REMOVE TREE
 - SEDIMENT FENCE



RECEIVED
 JAN 19 2018
 BY:



NAME: C:\egyn\eg\sharad\W2\ACAD\02\170005-CREST DAILY CLOUDWATCH\HEATHCRO-102.dwg USER: Ananda
DATE: Dec 22, 2017 5:13pm XREFS: AEC, TheBlock ANSI, 0 X, Survey X, Design DAILY Creek - Surface X, Limits X, Vegetation X, Trees

Findings of Fact

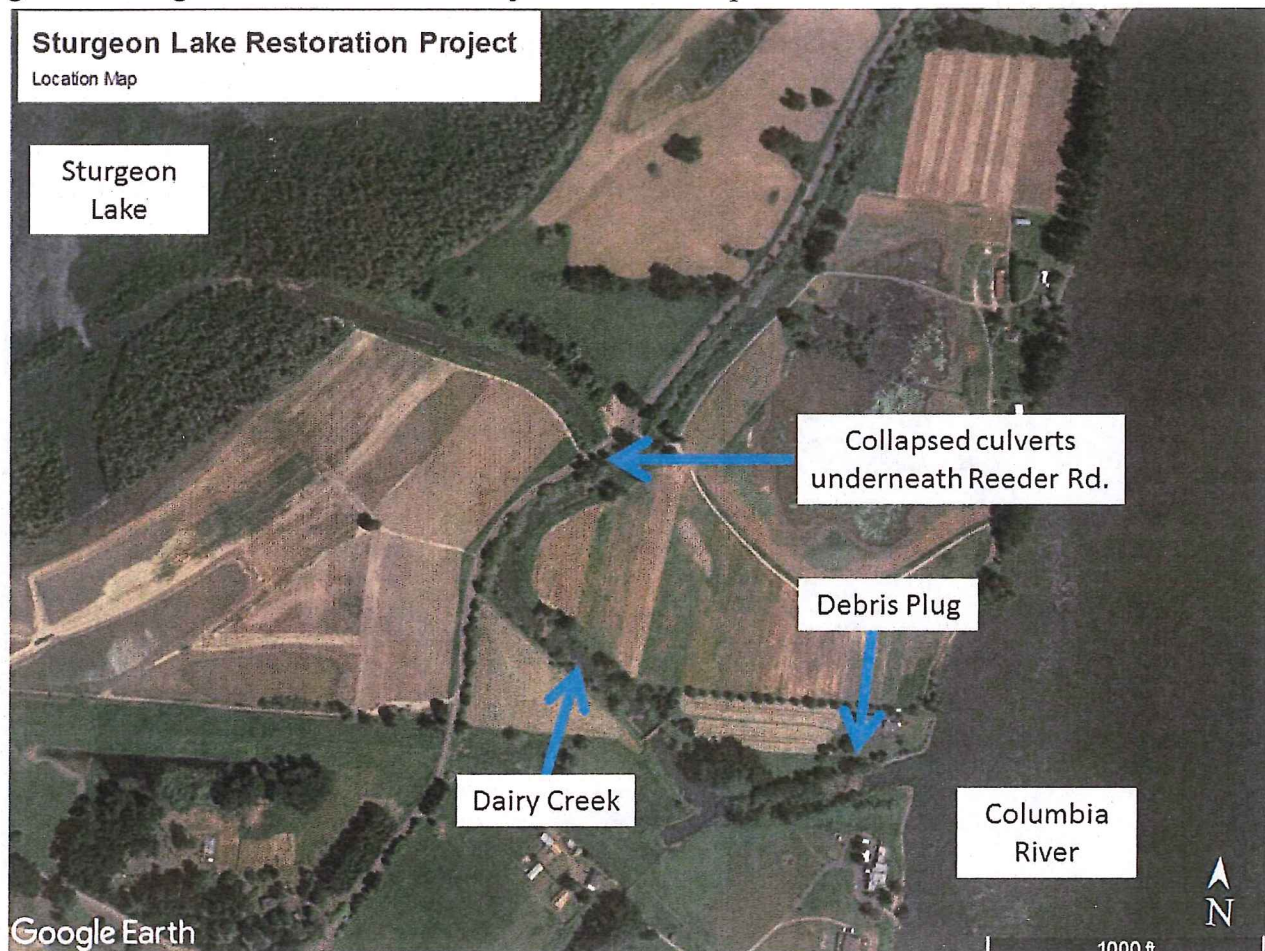
FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The proposed project will consist of work including the removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge, the construction of a floating debris boom at the mouth of the Dairy Creek channel and restore the riparian corridor. The aim of these construction projects is to restore the tidal channel connection between Sturgeon Lake and the Columbia River along Dairy Creek, to improve water quality within Sturgeon Lake and restoration/enhance the riparian corridor along Dairy Creek with native plantings.

The Figure below shows the location of the culvert replacement and the floating debris boom (labeled as “Debris Plug”).

Figure 1 – Sturgeon Lake Restoration Project Location Map

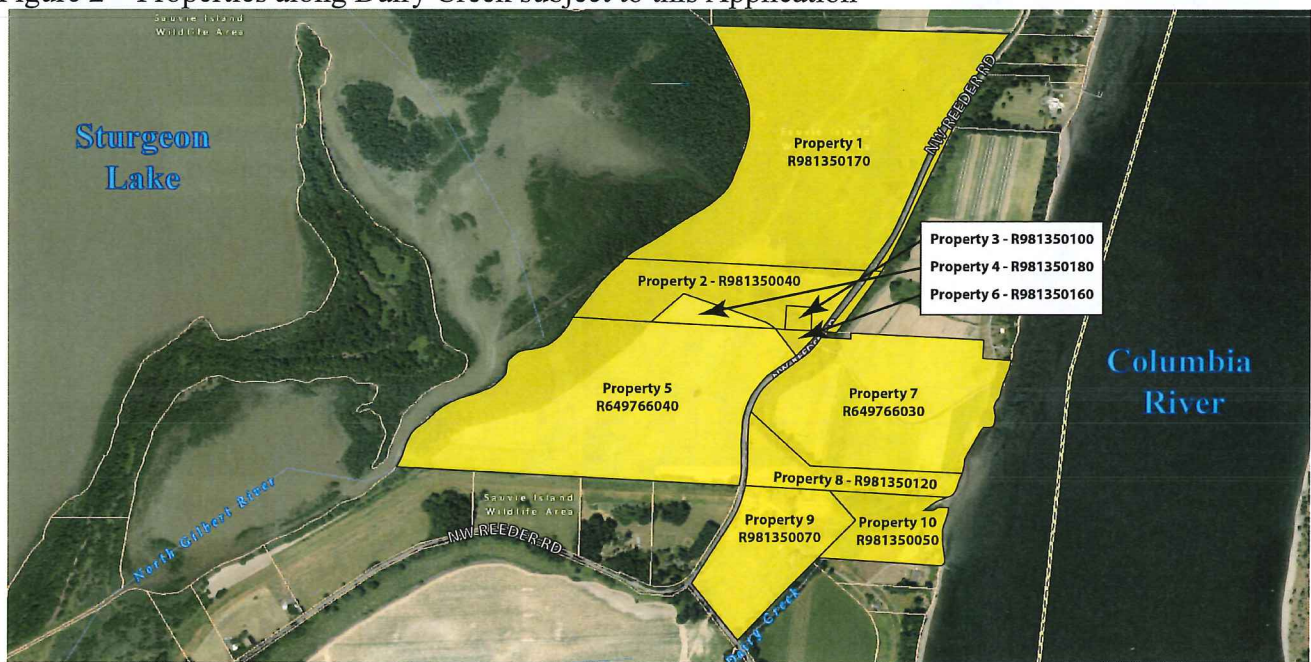


2.0 Property Description & History:

Staff: The proposed project will be located on multiple properties along Dairy Creek within the Sauvie Island and Multnomah Channel Rural Area. The properties along Dairy Creek include:

1. Property 1: Tax Lot 100, Section 35, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350170)
2. Property 2: Tax Lot 200, Section 35, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350040)
3. Property 3: Tax Lot 500, Section 35, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350100)
4. Property 4: Tax Lot 600, Section 35B, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350180)
5. Property 5: Tax Lot 100, Section 34, Township 3 North, Range 1 West, W.M. (Alt Acct #R649766040)
6. Property 6: Tax Lot 400, Section 35B, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350160)
7. Property 7: Tax Lot 300, Section 35B, Township 3 North, Range 1 West, W.M. (Alt Acct #R649766030)
8. Property 8: Tax Lot 100, Section 35C, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350120)
9. Property 9: Tax Lot 200, Section 35C, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350070)
10. Property 10: Tax Lot 300, Section 35C, Township 3 North, Range 1 West, W.M. (Alt Acct #R981350050)

Figure 2 – Properties along Dairy Creek subject to this Application



Property 1-8 and 10 are located within the Multiple Use Agriculture-20 zoning district and Property 9 is located within the Exclusive Farm Use zoning district. All of the properties except Property 9 are located within the Significant Environmental Concern (SEC-g) overlay and Properties 7, 8, and 10 have the Significant Environmental Concern for Wetland (SEC-w) overlay on a portion of those properties. The properties are primary open space, farmland, and a few properties contain single-family dwellings.

3.0 Code Compliance and Application Criteria

3.1 § 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.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no active code compliance cases associated with the properties. Four of the properties could not be found to be a Lot of Record based on lack of deed information. As discussed below under Section 5.3, the deed information provided by the applicant for Properties 2, 3, 4, and 6 did not provide enough information to determine whether they were or were not Lots of Record. Because this land use application is for work related to and within a valid conservation easement, the County has the authority to issue this land use decision for properties not in full compliance without resolving the Lot of Record status of those properties. *These criteria are met.*

4.0 Exclusive Farm Use Criteria

4.1 § 34.2620 ALLOWED USES

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

Staff: The applicant has applied for a permit to allow for the proposed project that will include:

- Removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge
- The construction of a floating debris boom at the mouth of the channel.
- Extensive restoration/enhancement along Dairy Creek with native plantings.

Of the proposed work, only the restoration/enhancement along Dairy Creek with native plantings will occur on property within the Exclusive Farm Use zoning district. The restoration/enhancement work will be located within a wetland area and is an allowed use as described above. However, the project is also located in an area that will require a Significant Environmental Concern (SEC) permit and a Significant Environmental Concern for Wetlands (SEC-w) permit. They have met the approval criteria as described in this decision. A few criteria will require additional action by the applicant to demonstrate compliance with all of the applicable approval criteria.

4.2 § 34.2675 LOT OF RECORD

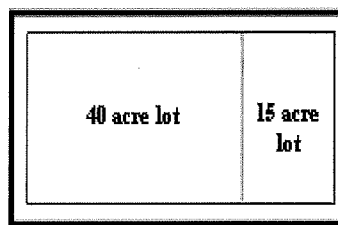
(A) In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district a Lot of Record is either:

- (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.

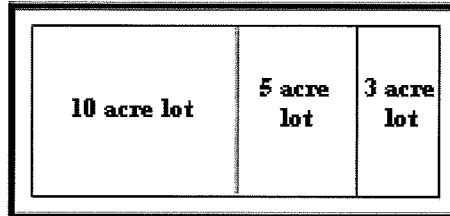
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



**Example 1:
One 55 acre Lot of Record**



Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record



Example 3:
One 18 acre Lot of Record

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, RC, 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) Exception to the standards of (A)(2) above:

(a) 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, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties, Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;
- (7) May 16, 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 34.2690 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: As defined in MCC 33.0005, the definition of a Lot of Record is as follows:

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 34.7785. 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 district.)

(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.

Within the project area, there is one property that is located within the Exclusive Farm Use (EFU) zoning district. Property 9, located at 24325 NW Reeder Road (Tax lot 200, 3 North, 1 West, Section 35C). The applicant submitted a Warranty Deed from Book 865, Page 220 recorded in June 23, 1972 (Exhibit A.7). The zoning for the property at that time in 1972 was

Agricultural District F2, which required a minimum lot size of two acres (Exhibit B.12 and B13). The property was 22.19 acres, which met and exceeded the minimum lot size.

As described in 1972, the property satisfied all applicable zoning laws because it was in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

In addition to the zoning laws and land division laws requirements in MCC 34.005, properties located within the Exclusive Farm Use zoning district have the potential to be aggregated to continuous properties. On February 20, 1990, Roger and Nancy Tabor owned the subject property. Jerome and Joan Parson and George and Mary McFarland owned the two contiguous properties adjacent to the subject properties; therefore, the subject property was not in common ownership with any continuous properties before or after February 20, 1990.

Tax lot 200, 3 North, 1 West, Section 35C is not aggregated to either of the two adjacent and contiguous properties to the east.

Based on the information above, the Property 9 described as tax lot 200, 3 North, 1 West, Section 35C is a Lot of Record. *These criteria are met.*

5.0 Multiple Use Agriculture MUA-20 Criteria

5.1 § 34.2820 ALLOWED USES

(D) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

Staff: The applicant has applied for a permit to allow for the proposed project that will include:

- Removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge
- The construction of a floating debris boom at the mouth of the channel.
- Extensive restoration/enhancement along Dairy Creek with native plantings.

Of the proposed work, the construction of a floating debris boom and the restoration/enhancement along Dairy Creek with native plantings will occur on property within the Multiple Use Agriculture zoning district. This zoning district allows for conservation areas and structures as an allowed use. As defined in MCC 34.0005, the floating debris boom is considered a structure. However, the proposed work will require a Significant Environmental Concern (SEC) permit and a Significant Environmental Concern for Wetlands (SEC-w) permit. They have met the approval criteria as described in this decision. A few criteria will require additional action by the applicant to demonstrate compliance with all of the applicable approval criteria.

(I) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Staff: The applicant has applied for a permit to allow for the proposed project that will include:

- Removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge
- The construction of a floating debris boom at the mouth of the channel.
- Extensive restoration/enhancement along Dairy Creek with native plantings.

Of the proposed work, the removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge is an allowed use under the provisions above. However, the proposed work will require a Significant Environmental Concern (SEC) permit and a Significant Environmental Concern for Wetlands (SEC-w) permit. Additionally because the transportation facility will be constructed by an entity outside of the jurisdiction of Multnomah County, the applicant will be required to acquire any and all right of way permits necessary for the facility to be adopted into the Multnomah County Functional Classification of Trafficways plan. They have met the approval criteria as described in this decision. A few criteria will require additional action by the applicant to demonstrate compliance with all of the applicable approval criteria. Additionally, a condition will be required that they acquire any and all right of way permits necessary for the facility to be adopted into the Multnomah County Functional Classification of Trafficways plan. *As conditioned, this criterion is met.*

5.2 § 34.2855 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 34.2860, 34.2870, 34.2875 and 34.4300 through 34.4360, the minimum lot size for new parcels or lots shall be 20 acres.

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

Staff: As part of this application, no new lots or parcels shall be created; therefore, these requirements do not apply. *These criteria are met.*

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The floating debris boom structure is located within the Columbia River and is not located on a lot; therefore, the yard dimensions are not applicable. The new single-span bridge is defined as a road and is located entirely within the right-of-way; therefore, the yard dimensions are not applicable. The single-span bridge will also be less than 35 feet in height. *These criteria are met.*

5.3 § 34.2870 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 34.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 34.2860, 34.2875, and 34.4300 through 34.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be 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) An area of land created by court decree.**

Staff: As defined in MCC 33.0005, the definition of a Lot of Record is as follows:

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 34.7785. 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 district.)

(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.

Within the project area, there is nine properties are located within the Multiple Use Agriculture zoning district. Each property is discussed as follows:

Property 1: The applicant has provided a Warranty Deed located in Book 2132, Page 501 recorded on August 28, 1962 describing the property now known as tax lot 100, 3 North, 1 West, Section 35. Tax lot 100 is described as tracts 2, 3, 4, 5, 6, and 7 excepting out portions east of the centerline of the slough and lands lying between the slough and the county road (Exhibit A.9). The zoning for the properties at that time in 1962 was Agricultural District F2, which required a minimum lot size of two acres (Exhibit B.11 and B.13). The smallest of the tracts was approximately 5 acres, which met and exceeded the minimum lot size. As described in 1972, each individual tract satisfied all applicable zoning laws because there were in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

Based on the information above, Property 1 described as tax lot 100, 3 North, 1 West, Section 35C is a Lot of Record.

Property 2: The applicant has provided a Warranty Deed located in Book 1304, Page 297 recorded on November 15, 1948 describing the following properties, tax lot 200 and tax lot 500, 3 North, 1 West, Section 35 and tax lot 600, 3 North, 1 West, Section 35B as one parcel (Exhibit A.9). Subsequently, as detailed on the Parcel Record – Cartographic Unit card, a Warranty Deed was recorded in Book 1304, Page 296 in 1951 that describes what is now known as tax lot 500, 3 North, 1 West, Section 35 (Exhibit B.16). However, the Warranty Deed could not be located although it is indicated on the Parcel Record – Cartographic Unit card. Then on October 1, 1986, the State of Oregon recorded a Bargain and Sale Deed in Book 1942, Page 1786 that describes tax lot 600, 3 North, 1 West, Section 35B (Exhibit A.9). No other deed information was provided.

Based on the information above, Property 2 described as tax lot 200, Section 35, Township 3 North, Range 1 West, there is not enough information to determine if the property is a Lot of Record. MCC 37.0560 allows the County to authorize a permit if the work related to and within is proposed within a valid easement. The proposed project being conducted within a conservation easement. Therefore, the County will authorize a permit without verification of the property's Lot of Record.

Property 3: As discussed in Property 2, the Parcel Record – Cartographic Unit card shows a Warranty Deed was recorded in Book 1304, Page 296 in 1951 that describes what is now known as tax lot 500, 3 North, 1 West, Section 35B (Exhibit B.16). However, the Warranty

Deed could not be located although it is indicated on the Parcel Record – Cartographic Unit card. Without the deed, it cannot be determined if this property is or is not a Lot of Record.

Based on the information above, Property 3 described as tax lot 500, Section 35, Township 3 North, Range 1 West, there is not enough information to determine if the property is a Lot of Record. MCC 37.0560 allows the County to authorize a permit if the work related to and within is proposed within a valid easement. The proposed project being conducted within a conservation easement. Therefore, the County will authorize a permit without verification of the property's Lot of Record.

Property 4: As discussed in Property 2, on October 1, 1986, the State of Oregon recorded a Bargain and Sale Deed in Book 1942, Page 1786 that describes tax lot 600, 3 North, 1 West, Section 35B (Exhibit A.9). No other deed information was provided

Based on the information above, Property 4 described as tax lot 600, Section 35B, Township 3 North, Range 1 West, there is not enough information to determine if the property is a Lot of Record. MCC 37.0560 allows the County to authorize a permit if the work related to and within is proposed within a valid easement. The proposed project being conducted within a conservation easement. Therefore, the County will authorize a permit without verification of the property's Lot of Record.

Property 5: The County reviewed and approved a Type III Land Division (LD 35-90) authorizing three-lot land division. The applicant subsequently filed a plat recorded as Partition Plat No. 1996-151 (Exhibit A.8). The subject property, tax lot 100, 3 North, 1 West, Section 34 has not been altered since LD 35-90 was approved. As described in 1990, the subject property was created by the partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978, thereby satisfying all applicable zoning and land division laws at that time.

Based on the information above, the Property 5 described as tax lot 100, 3 North, 1 West, Section 34 (Lot 3 of Partition Plat 1996-151) is a Lot of Record.

Property 6: The applicant has provided a Bargain and Sale Deed from Book 1942, Page 1788, that was recorded on October 1, 1986 that describes tax lot 400, 3 North, 1 West, Section 35B (Exhibit A.8). No other information was provided that indicates whether this was the deed that created the property.

Based on the information above, Property 6 described as tax lot 400, Section 35B, Township 3 North, Range 1 West, there is not enough information to determine if the property is a Lot of Record. MCC 37.0560 allows the County to authorize a permit if the work related to and within is proposed within a valid easement. The proposed project being conducted within a conservation easement. Therefore, the County will authorize a permit without verification of the property's Lot of Record.

Property 7: The County reviewed and approved a Type III Land Division (LD 35-90) authorizing three-lot land division. The applicant subsequently filed a plat recorded as Partition Plat No. 1996-151 (Exhibit A.8). The subject property, tax lot 300, 3 North, 1 West, Section 35B has not been altered since LD 35-90 was approved. As described in 1990, the subject property was created by the partitioning land under the applicable land partitioning

requirements in effect on or after October 19, 1978, thereby satisfying all applicable zoning and land division laws at that time.

Based on the information above, the Property 7 described as tax lot 300, 3 North, 1 West, Section 35B (Lot 2 of Partition Plat 1996-151) is a Lot of Record.

Property 8: The applicant has provided a Quit Claim Deed located in Book 1005, Page 435 recorded on September 4, 1974 describing the property now known as tax lot 100, 3 North, 1 West, Section 35C (Exhibit A.10). The zoning for the property at that time in 1974 was Agricultural District F2, which required a minimum lot size of two acres (Exhibit B.12 and B.13). The property was approximately 12.42 acres, which met and exceeded the minimum lot size. As described in 1974, the property satisfied all applicable zoning laws because it was in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

Based on the information above, the Property 8 described as 100, 3 North, 1 West, Section 35C is a Lot of Record.

Property 10: The County reviewed and approved a Type II Significant Environmental Concern permit (T2-06-094) authorizing the remodel of an existing single-family dwelling and additions to accessory structures for tax lot 300, 3 North, 1 West, Section 35C. Within the decision Don Kienholz, Planner wrote, "A deed from 1949 describes the subject property as it is today, demonstrating the property has not changed its configuration and was established prior to zoning." The property has not been altered since T2-06-094 was approved and continues to meet all applicable zoning and land division laws at that time.

Based on the information above, the Property 10 described as tax lot 300, 3 North, 1 West, Section 35C is a Lot of Record.

6.0 Significant Environmental Concern - SEC Criteria

6.1 § 34.4510 USES - SEC PERMIT REQUIRED

(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: The applicant has applied for a permit to allow for the proposed project that will include:

- Removal/replacement of a culvert crossing beneath NW Reeder Road with a single-span bridge
- The construction of a floating debris boom at the mouth of the channel.
- Extensive restoration/enhancement along Dairy Creek with native plantings.

Of the proposed work all of the listed projects are allowed uses in their underlying zoning districts, however because they are located on lands designated SEC, the applicant is subject to an SEC permit. The proposed work will require a Significant Environmental Concern (SEC)

permit and a Significant Environmental Concern for Wetlands (SEC-w) permit. They have met the approval criteria as described in this decision. A few criteria will require additional action by the applicant to demonstrate compliance with all of the applicable approval criteria.

6.2 § 34.4555 CRITERIA FOR APPROVAL OF SEC PERMIT

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:

(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.

Staff: The proposed restoration project elements necessarily take place within and adjacent to the stream channel and riparian area. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the work will include the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation. The replanting will provide an area along the stream that will be enhanced both scenically and aesthetically. The replanting area and stream enhancement will also return the creek to a more natural flow throughout the year. *This criterion is met.*

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

Staff: The proposed restoration project will occur on areas adjacent to agricultural land. The new bridge and revegetation areas are located adjacent to areas used for farming purposes. None of the work proposed is located in areas where farming practices are occurring. The soil disposal areas located on properties owned by State of Oregon Department of Fish and Wildlife, which is currently being used a wildlife areas that are not actively being farmed. (Figure 3).

Figure 3 – Sturgeon Lake Restoration Map



If those properties were to revert to agricultural practices, the soil disposal areas should not affect future agricultural use on the properties. *This criterion is met.*

(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.

Staff: The proposed restoration project is designed to preserve and protect areas of environmental significance. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the work will include the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation. The replanting and stream enhancement will also return the creek to a more natural flow throughout the year, which will preserve the environmental significance of the creek and Sturgeon Lake. All of these actions will help further preserve and protect areas of environmental significance. *This criterion is met.*

(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.

Staff: The proposed restoration project is designed to preserve and protect areas of environmental significance. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the work will include the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation. The replanting and stream enhancement will also return the creek to a more natural flow throughout the year, which will preserve the environmental significance of the creek and Sturgeon Lake. *This criterion is met.*

(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.

Staff: The site plans indicates that temporary construction fencing and flagging will be installed around existing upland trees and other sensitive riparian areas (Exhibit A.15: G-004, G-005, and G-103). The construction fencing will prevent the public of entering sensitive areas within the project site. The applicant has also include a site plan indicating a detour plan. The detour plan indicates a temporary crossing will be installed over the creek and that flaggers will be on-site during disposal activities (Exhibit A.15: G103). Once the single-span bridge is completed, the public will return to the original road area within the right-of-way. *This criterion is met.*

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

Staff: The proposed restoration project is designed to preserve and protect areas of environmental significance. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project includes the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation.

The in-water work for this project is proposed to occur during summer low flow conditions when the creek becomes isolated from adjacent waters. Working during the summer will protect significant fish and the restoration work will improve fish and wildlife habitats along the creek. In telephone discussions with Oregon Department of Fish and Wildlife, the applicant has received an extension to the in-water work period. The typical period is from July 15 to August 31; however, the applicant has received an extension for in-water to be conducted between July 1 to October 31. Therefore, a condition will be required that any in-water work will be conducted during that time. *As conditioned, this criterion is met.*

(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.

Staff: The proposed restoration project is designed to enhance the natural vegetation along the stream and other areas of environmental significance. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project includes the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The plantings will enhance the scenic quality of the riparian corridor.

The site plans and mitigation plan indicate that Best Management Practices will be employed during construction including clearly fencing the construction site for protection areas, silt fencing and seeding to limit erosion and stabilize slopes, and temporary sandbag cofferdams to isolate work areas (Exhibit A.15: CG-101, CG-102, and CG-501 and A.16). These measures will ensure that the stream is protected and enhanced. However, to ensure that these measures are in place, a condition will be required to implement these measures. *As conditioned, this criterion is met.*

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

Staff: There is no indication of archaeological areas within the project site. However, if archaeological artifacts are found, a condition will be required that during construction activities that the applicant or their representatives, shall halt construction, notify the Planning Director, conduct a survey and evaluation, and prepare a mitigation plan. *As conditioned, this criterion is met.*

(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.

Staff: The applicants have applied for a Flood Development permit and have provided a Natural Resource Assessment that was written by the Columbia River Estuary Study Taskforce, a FEMA No-Rise Hydraulic Analysis conducted by HDR, Inc., and various Site Plans, (Exhibit A.14, B.18, and A.15). The Assessment described the existing conditions, a wetland delineation, and recommendations to enhance the site. The FEMA No-Rise Hydraulic Analysis written by Amy Dammarell, Registered Professional Engineer and stamped by Jason M. Magalen, Registered Professional Engineer found that project would result in a “no-rise” in the 100-year flood elevation. The Assessment and Analysis indicate that the propose enhancement and restoration work will preserve water quality and protect water retention, overflow, and natural functions. *This criterion is met.*

(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.

Staff: The applicants have provided a Mitigation and Monitoring Plan that was written by the Columbia River Estuary Study Taskforce and various Site Plans (Exhibit A.14 and A.15). The Mitigation and Monitoring Plan discusses the Best Management Practices (BMPs) that will be utilized prior, during, and after construction. The applicant has also applied for a Grading and Erosion Control permit that is being reviewed concurrently to this land use application. The Grading and Erosion Control standards require that Best Management Practices (BMP) will be implemented through the project. The BMP are shown on Site Plans G-006, CG-101, CG-102, and CG-501 (Exhibit A.15). The measures include clearly fencing the construction site for protection of sensitive areas, silt fencing and seeding to limit erosion and stabilize slopes, and temporary sandbag cofferdams to isolate work areas. Additionally, prior to entering the site, all vehicles and equipment will be power washed and there will be spill containment kits on-site for any hazardous material spills. The construction activities will only occur during Oregon Department of Fish and Wildlife's (ODFW) in-water work window. A condition will be required to ensure that these measures are in place so that areas of erosion or potential erosion shall be protected from loss. *As conditioned, this criterion is met.*

(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.

Staff: The proposed restoration work is designed to improve the air, water, and land resources of this area on Sauvie Island by reconnecting the natural tidal channel, restoring the functionality of Dairy Creek, and improving the habitat quality. The ambient noise will be temporarily increased during construction, however, once construction is completed, the ambient noise will return to the low levels that currently exist. *This criterion is met.*

(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.

Staff: The three structures, a 96-foot single-span bridge, a debris boom, and debris plug will be constructed. The single-span bridge will be constructed of concrete will be similar to other single-span bridges within the rural areas. The debris boom will be located within the water and the debris plug will be located along the shoreline. The debris plug will look similar to the natural deposit of large woody debris and rock material. *This criterion is met.*

(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.

Staff: The proposed restoration project is designed to enhance the natural vegetation along the stream and areas generally recognized as fragile or contain endangered plant habitat. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project includes the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native

trees, and native shrubs. The plantings will enhance the natural vegetation and ensure the natural state of the area is retained. *This criterion is met.*

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

Staff: Staff has made findings for these criteria in Section 7.0 below.

6.3 § 34.4560 CRITERIA FOR APPROVAL OF SEC-W PERMIT - SIGNIFICANT WETLANDS

(B) The applicant shall demonstrate that the proposal:

(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;

Staff: The proposed restoration project and bridge construction will occur areas on and adjacent to wetland areas. These project components unavoidably take place within and adjacent to the stream channel, riparian area, and wetland areas. Therefore, there are no practical alternatives as the work within the wetland is a central element proposed project. *This criterion is met.*

(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;

Staff: The proposed restoration project and bridge construction will have few adverse impacts to the wetland's functional characteristics. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project includes the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The plantings and restoration work enhance the natural processes and functionality of the wetland areas. The Site Plans also indicate that measures will be put in place prior, during, and after the removal and replacement of the culvert with the single-span bridge (Exhibit A.15: L-101, L-102, L-501, CG-101, CG-102, and GC-501). *This criterion is met.*

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

Staff: The proposed restoration project is designed to enhance the natural vegetation along the stream and other areas of environmental significance. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project includes the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be

planted with a total of 20,000 native plants, native trees, and native shrubs. The site plans and mitigation plan indicate that Best Management Practices will be employed during construction including clearly fencing the construction site for protection areas, silt fencing and seeding to limit erosion and stabilize slopes, and temporary sandbag cofferdams to isolate work areas (Exhibit A.15: CG-101, CG-102, and CG-501). These measures will not cause significant degradation of groundwater or surface-water quality and ensure that the stream is protected and enhanced. However, to ensure that these measures are in place, a condition will be required to implement these measures. *As conditioned, this criterion is met.*

(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;

Staff: The Sturgeon Lake Restoration Map located in Figure 3 indicate that the staging areas, bridge work and location of soil spoils will be located approximately 250 feet from the significant wetlands boundaries identified in aerial photographs. *This criterion is met.*

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

Staff: The proposed restoration project and bridge construction will have few adverse impacts to the wetland's functional characteristics. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the project include plantings and restoration work that will replace and enhance the natural processes and functionality of the wetland areas. *This criterion is met.*

(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 proposed restoration project and bridge construction will occur areas on and adjacent to wetland areas. These project components unavoidably take place within and adjacent to the stream channel, riparian area, and wetland areas. Therefore, there basic purpose of the project cannot reasonably be accomplished on another alternative site because there are no practical alternatives. The work must be done within the wetland, as the restoration is a central element of the proposed project. The propose project will result in few adverse impacts

and many benefits to the wetland resource, the stream corridor, and habitat functionality of Sturgeon Lake. *This criterion is met.*

(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 applicant has provided a Conservation and Monitoring Plan that includes a multi-agency approach to ensuring the retention of the resource. The applicant, along with West Multnomah Soil and Water Conservation District and Oregon Department of Fish and Wildlife will maintain the newly planted vegetation proposed for restoration project. Beginning with removal of invasive species and construction of the single-span bridge; the applicant and their partners will restore the impacted riparian area with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation. Managing vegetation around the plantings will occur biannually (Exhibit A.16).

The proposed mitigation actions, as detailed in the Conservation and Monitoring Plan describe the wetland areas and rehabilitation that will occur after the construction work is completed. The replanting within the impacted wetlands will be on the site of the impacted wetland areas with the same kinds of resources. To ensure that the proposed Conservation and Monitoring Plan are completed as described, a condition of approval will be required that the applicant or agents adhere to the Conservation and Monitoring Plan and site plans. *As conditioned, this criterion is met.*

7.0 Comprehensive Plan Policies

7.1 Water Quality and Erosion Control

5.6 Protect vegetated riparian corridors in order to maintain their water quality functions including the following:

- 1. Providing shade to maintain or reduce stream temperatures to meet state water quality standards;**
- 2. Supporting wildlife in the stream corridors;**
- 3. Minimizing erosion, nutrient, and pollutant loading into water;**
- 4. Maintaining natural hydrology; and**
- 5. Stabilizing slopes to prevent landslides that contribute to sedimentation of water**

Staff: The proposed restoration project is designed to maintain water quality functions along Dairy Creek. As detailed in the Natural Resource Assessment and the Mitigation and Monitoring Plan completed by the Columbia River Estuary Study Taskforce (Exhibit A.14 and A.16), the work will include the removal of invasive Armenian blackberry, indigo bush, and reed canary grass. After the removal of invasive species and construction of the single-span bridge is complete, the impacted riparian area will be planted with a total of 20,000 native plants, native trees, and native shrubs. The native trees include dogwood, willow, and alder. The native shrubs include wapato, bulrush, and other emergent wetland vegetation. The replanting and stream enhancement will provide shade to reduce stream temperatures, support wildlife within the stream corridor, and return the creek to a more natural flow throughout the year.

The applicants have also provided information discussing Best Management Practices (BMPs) that will be utilized prior, during, and after construction. The Grading and Erosion Control standards require that BMPs will be installed and maintained through the tenure of the project. The BMP measures shown on Site Plans G-006, CG-101, CG-102, and CG-501 (Exhibit A.15) include clearly fencing the construction site for protection of sensitive areas, silt fencing and seeding to limit erosion and stabilize slopes, and temporary sandbag cofferdams to isolate work areas (Exhibit A.15). Additionally, prior to entering the site, all vehicles and equipment will be power washed and there will be spill containment kits on-site for any hazardous material spills. The construction activities will only occur during Oregon Department of Fish and Wildlife's (ODFW) in-water work window.

Together, these actions will improve the habitat within Sturgeon Lake and Dairy Creek, minimize erosion and sedimentation of the water, and support the natural hydrology of the area. *These criteria are met.*

7.2 Cultural and Archeological Resources

6.4 Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.

Staff: There are no known areas of ecological, scientific, historical, or archaeological significance on the property. However, because there is the possibility that archaeological artifacts or deposits, a condition of approval will be required that directs the applicant or their agents' to stop work and halt construction, notify the Planning Director and Oregon State Historic Office (SHPO), and follow any subsequent actions including conducting surveys, preparing evaluations, and implementing any proposed mitigation plans. *As conditioned, this criterion is met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environment Concern permit to removal/replacement a culvert crossing beneath NW Reeder Road with a single-span bridge, construct a floating debris boom at the mouth of the Dairy Creek channel and restore the riparian corridor in the Exclusive Farm Use and Multiple Use Agriculture zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural 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 T2-2018-9947 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	01/19/2018
A.2	1	Cover Letter	01/19/2018
A.3	3	Project Summary	01/19/2018
A.4	1	Property Ownership Cover Page	01/19/2018
A.5	11	Letter of Authorizations and Tax Maps from: <ul style="list-style-type: none"> 1. Oregon Department of Fish and Wildlife 2. Adam and Megan Tedeschi 3. Michael Cereghino Trust 4. Michael and Linda Wilkins 5. Donald Young and Martha Berndt 	01/19/2018
A.6	1	Deed Research and Lot of Record Cover Page	01/19/2018
A.7	3	Charles and Amy Atkinson/Adam and Megan Tedeschi <ul style="list-style-type: none"> - Cover Page - Warranty Deed from Book 865, Page 220 recorded on June 23, 1972 - Department of Assessment, Records, and Taxation (DART) Map for SW 1/4, Section 35, 3 North, 1 West 	01/19/2018
A.8	9	Michael Cereghino Trust <ul style="list-style-type: none"> - Cover Page Partition Plant No 1996-151 - Bargain and Sale Deed from Book 1942, Page 1786-1787 recorded on October 1, 1986 - Department of Assessment, Records, and Taxation (DART) Map for NW 1/4, Section 35B, 3 North, 1 West - Survey 50112 filed on December 23, 1987 	01/19/2018
A.9	12	State of Oregon <ul style="list-style-type: none"> - Cover Letter - Warranty Deed from Book 2132, Page 501-502 recorded on August 28, 1962 - Department of Assessment, Records, and Taxation (DART) Map for Section 35, 3 North, 1 West - Department of Assessment, Records, and Taxation (DART) Map for SE 1/4, Section 26D, 3 North, 1 West 	01/19/2018

		<ul style="list-style-type: none"> - Warranty Deed from Book 1304, Page 296-297 recorded on November 15, 1948 - Department of Assessment, Records, and Taxation (DART) Map for Section 35, 3 North, 1 West - Survey 01194 filed on or after April 2, 1948 - Bargain and Sale Deed from Book 1942, Page 1788-1788 1/2 recorded on October 1, 1986 - Department of Assessment, Records, and Taxation (DART) Map for NW 1/4, Section 35B, 3 North, 1 West - Survey 50112 filed on December 23, 1987 	
A.10	5	Michael Wilkins <ul style="list-style-type: none"> - Cover Letter - Warranty Deed from Book 1378, Page 470-471 recorded on December 29, 1949 - Quit Claim Deed from Book 1005, Page 435 recorded on September 4, 1974 - Department of Assessment, Records, and Taxation (DART) Map for SW 1/4, Section 35C, 3 North, 1 West - Aggregation Letter between Wilkins and Atkinson properties 	01/19/2018
A.11	5	Young and Berndt Family Trust <ul style="list-style-type: none"> - Cover Letter - Plat from Book 1177, Page 83 recorded on April 1, 1939 - Deed from Book 1056, Page 346-347 - Department of Assessment, Records, and Taxation (DART) Map for NW 1/4, Section 35B, 3 North, 1 West - Department of Assessment, Records, and Taxation (DART) Map for SW 1/4, Section 35C, 3 North, 1 West 	01/19/2018
A.12	5	Supplemental Narrative	01/19/2018
A.13	5	Significant Environmental Concern for Wildlife Habitat Worksheet (Type I)	01/19/2018
A.14	13	Sturgeon Lake/Dairy Creek Restoration Project Natural Resource Assessment	01/19/2018
A.15*	47	General Drawings <ul style="list-style-type: none"> - *G-001 – Cover Sheet, Sheet Index, Project Location, and Vicinity Map - G-002 – Standard Symbols, Abbreviations, and Notes - G-003 – Existing Conditions and Survey Control - G-004 – Site Access and Construction Limits - *G-005 – Overall Site and Key Plan - G-006 – HIP-III Conservation Notes: Page 1 - G-007 – HIP-III Conservation Notes: Page 2 - G-008 – ODEQ Standard ESCP Notes - G-101 – Post – Construction Work – NA - G-102 – Sequencing and Dewatering Plan 	01/19/2018

		<ul style="list-style-type: none"> - *G-103 – Temporary Detour Road - G-104 – Disposal Plan and Sections <p>Channel Construction Drawings</p> <ul style="list-style-type: none"> - C-101 – Channel Plan and Profile Sta. 10+00 to 15+00 - C-102 – Channel Plan and Profile Sta. 15+00 to 20+00 - C-103 – Channel Plan and Profile Sta. 20+00 to 25+00 - C-104 – Channel Plan and Profile Sta. 25+00 to 30+00 - C-105 – Channel Plan and Profile Sta. 30+00 to 35+00 - C-106 – Channel Plan and Profile Sta. 35+00 to 40+00 - C-107 – Channel Plan and Profile Sta. 40+00 to 43+00 - C-301 – Channel Cross Sections I - C-302 – Channel Cross Sections II - C-303 – Channel Cross Sections III - C-401 – Channel Typical Section and Access Road Section - C-402 – Channel Access Road Plan and Profiles I - C-403 – Channel Access Road Plan and Profiles II - C-404 – Stormwater Swale Plan, Profile, and Cross Section - C-405 – Channel Entrance Plan - C-406 – Roughened Rock Toe Sections 1 - C-407 – Roughened Rock Toe Sections 2 - C-408 – Wood Habitat Structure Details <p>Roadway Drawings</p> <ul style="list-style-type: none"> - CP101 – Reeder Road Plan and Profile <p>Bridge Drawings</p> <ul style="list-style-type: none"> - *S-101 – Plan and Elevations - S-102 – General Notes - S-103 – Footing Plan - S-104 – End Bent Details - S-105 – Wingwall Details - S-106 – Deck Plan - S-107 – Beam Schedule <p>Debris Boom Drawings</p> <ul style="list-style-type: none"> - *SC-101 – Debris Boom Plan - SC-201 – Debris Boom Details - SC-501 – Debris Boom Details <p>Plant Drawings</p> <ul style="list-style-type: none"> - *L-101 – Planting Plan West - *L-102 – Planting Plan East - L-501 – Planting Details <p>Erosion Control Drawings</p> <ul style="list-style-type: none"> - *CG-101 – Erosion Control Plan West - *CG-102 – Erosion Control Plan East - CG-501 – Erosion Control Details 	
A.16	16	Sturgeon Lake/Dairy Creek Restoration Project Mitigation and Monitoring Plan	02/28/2018
'B'	#	Staff Exhibits	Date

B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W34 -00100 (R649766040)	01/26/2018
B.2	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35 -00100 (R981350170)	01/26/2018
B.3	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35 -00200 (R981350040)	01/26/2018
B.4	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35B -00300 (R649766030)	01/26/2018
B.5	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35B -00400 (R981350160)	01/26/2018
B.6	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35B -00500 (R981350100)	01/26/2018
B.7	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35C -00100 (R981350120)	01/26/2018
B.8	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35C -00200 (R981350070)	01/26/2018
B.9	2	Department of Assessment, Records and Taxation (DART): Property Information for 3N1W35C -00300 (R981350050)	01/26/2018
B.10	4	Warranty Deed recorded as 2017-138328 on November 15, 2017	05/02/2018
B.11	1	Zoning Code in effect on December 22, 1960	05/02/2018
B.12	1	Zoning Code in effect on May 21, 1968	05/02/2018
B.13	1	Zoning Map for 3 North, 1 West, Section 35 on November 11, 1962	05/02/2018
B.14	2	Parcel Record – Cartographic Unit Card for 3N1W35 -00200 (R981350040)	5/15/2018
B.15	2	Parcel Record – Cartographic Unit Card for 3N1W35B -00400 (R981350160)	5/15/2018
B.16	2	Parcel Record – Cartographic Unit Card for 3N1W35B -00500 (R981350100)	5/15/2018
B.17	2	Parcel Record – Cartographic Unit Card for 3N1W35B -00600 (R981350180)	5/15/2018
B.18	19	FEMA No-Rise Hydraulic Analysis written by Amy Dammarell, Professional Registered Engineer and stamped by Jason M. Magalen, Registered Professional Engineer	05/16/2018
'C'	#	Administration & Procedures	Date

C.1	4	Incomplete letter	02/13/2018
C.2	1	Applicant's acceptance of 180 day clock	02/28/2018
C.3	1	Complete letter (day 1)	03/21/2018
C.4	9	Opportunity to comment & mailing list	05/04/2018
C.5		Administrative decision & mailing list	