Cottrell Pond Site Restoration Project

Multnomah County SEC-wr Review

Applicant and Site Information

Applicant/Owner:	Robert Fraley City of Portland | Portland Water Bureau 1120 SW 5th Avenue, Room 405 Portland, OR 97204
Location:	8344 SE Cottrell Road
Tax Lots:	1S 4E 22CD 300
Base Zone:	Multiple Use Agriculture-20 (MUA-20)
Overlay Zone:	Significant Environmental Concern for Water Resources (SEC-wr)
Proposal:	The proposal is to complete a stream restoration project on Johnson Creek. The project will remove an artificial earth-fill dam and impounded pond and establish a natural stream channel and additional riparian planting areas. No buildings or structures are proposed. Proposed on-site regrading triggers an SEC review.
Pre-File Meeting:	PF-2025-0028
Related Land Use Case:	T3-2022-16220
Land Use Review:	Type II SEC Review

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Project Overview

The City of Portland Water Bureau (the City) is proposing to complete a stream restoration project on Johnson Creek, near its headwaters at 8344 SE Cottrell Road. The property is currently in residential use and contains an artificially created pond along the mainstem of Johnson Creek. The proposed restoration project will remove an artificial earth-fill dam, which impounds an inline pond, and reestablish a natural stream channel appropriate for the site, based on upstream reference conditions. Completion of the restoration project is a condition of Multnomah County's land use permit (T3-2022-16220) for the Bull Run Filtration Facility located nearby. Condition 3 of the permit calls for "the establishment of a natural stream channel and additional riparian planting areas on the pond property." This application incorporates comments received at the County's Pre-file Meeting (PF-2025-0028).

Purpose

The purpose of the restoration project is to improve water quality in Johnson Creek and restore fish passage through the project site. Currently the artificial inline pond increases water temperature in Johnson Creek by as much as 8 degrees Celsius (Figure 1) and is a total barrier to upstream fish movements (Figure 2). Resident cutthroat trout distribution in Johnson Creek ends just downstream of the dam to be removed. The Johnson Creek Watershed Council (JCWC) has identified the removal of Cottrell Pond as a top priority to improve water quality in Johnson Creek. The JCWC has written a letter of support for this project, attached as Appendix A.

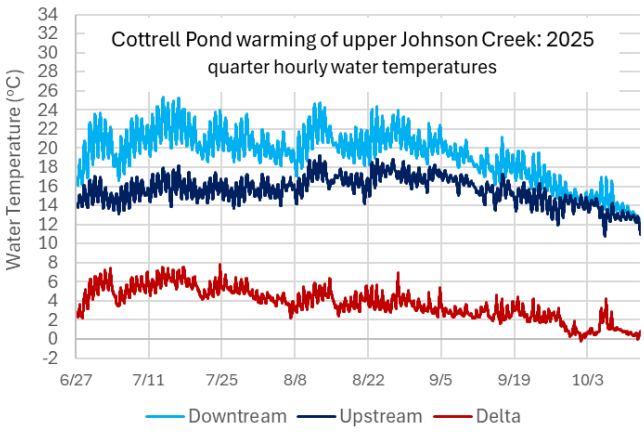

Figure 1. Cottrell Pond increases Johnson Creek water temperature ~8°C

Figure 2. Earth-fill dam is a fish passage barrier

The proposed project use is a public conservation area for the protection of water, soil, open space, forest and wildlife resources (MCC 39.4310(D)). The purpose of the proposed project aligns with the Resource Enhancement Project exemption to SEC permitting requirements described in MCC 39.5515 (A)(6); "*Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards…*"; except that it necessarily requires grading in an amount in excess of 10 cubic yards.

Site Information and Description

The project site is located southeast of Gresham, Oregon, next to SE Cottrell Rd between SE Bluff Rd and SE Dodge Park Blvd at coordinates: 45.462192, -122.305010 (Figure 3). It is located on taxlot 1S 4E 22CD 300, which was recently purchased by the City. The project area lies within the Multnomah County SEC-wr overlay (Figure 4). The current 0.8-acre pond is impounded by a 100-foot long, 10-foot-high earth-fill dam pierced by two stacked culverts (see Figure 2). The upper culvert sets the water surface elevation of the pond during the summer and the lower culvert is defunct—probably used in the initial construction of the pond. The pond has a maximum depth of six feet during the summer. Upstream of the pond is a meadow dominated by invasive reed canary grass (Phalaris arundinacea), growing in sediment accumulated since the pond's construction. An entrenched stream channel with undercut and slumping banks bisects the meadow.

Project Description

The project will remove the impounding dam and grade the accumulated pond sediments behind the dam to establish a meandering stream channel with an average gradient of 1.75%. Three riparian ponds will be created to provide breeding habitat for native amphibian species (see Appendix G, Sheet 3). Native vegetation will be planted on the established streambanks and adjacent riparian zone to shade the stream, stabilize banks, and discourage reed canary grass. The project will restore the site from a "Degraded Corridor" condition to a "Good Corridor" condition, as defined in MCC 39.5590 (D)(1). Additional native vegetation appropriate to site conditions will be planted in the Upland and Meadow Enhancement Areas, both within and adjacent to the SEC-wr Overlay.

No structures are proposed for this project. The only feature of the project that may be considered "development" is the fill and sediment that must be excavated to remove the dam and restore the stream.

Figure 3. Project site at 8344 SE Cottrell Road

Figure 4. Project site showing SEC-wr overlay zone (green hatch)

Resource Assessment

Attached to this application are the following resource reports:

- *Riparian Area Inventory, Assessment and Restoration Plan* (Appendix B)
- *Cottrell Pond Wetland Delineation Report* (Appendix C)
- *Cottrell Pond Sampling of Aquatic Organisms (*Appendix D)

The studies were conducted in 2025 in accordance with MCC 39.5590 (B)(4). All studies were prepared by professional biologists with expertise in their respective areas. The *Riparian Area Inventory, Assessment and Restoration Plan* was prepared by: Angie Kimpo, Botanist and Restoration Ecologist (B.S. Forestry; Wetland Delineation Training, 1995). The report describes the current natural resource functions at the site as "degraded." Details about the functional characteristics that apply to the site are addressed in the natural resource assessment. The report includes the percentage ground and canopy coverage by dominant species present as well as location of nuisance or invasive non-native plant species. The *Cottrell Pond Wetland Delineation Report* was prepared by Angie Kimpo and Nate Jefcoat, Environmental Scientist (B.S. Environmental Science; Wetland Delineation Training, 2019), and was reviewed by Anita Smyth, certified Senior Professional Wetland Scientist (M.S., Environmental Science). This report documents wetlands at the site and includes an inventory of plant species in the wetland areas. Documentation in *Cottrell Pond Sampling of Aquatic Organisms* was prepared by Burke Strobel, Fish Biologist (M.S. Marine Biology).

The map of the water resource area in this location is shown in Figure 3.

MUA-20 Zone Standards (MCC 39.4310)

The proposed project is an Allowed Use in the Multiple Use Agriculture – 20 zone (MCC 39.4310(D)): Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

Because the project is an allowed use and does not propose new structures, MUA-20 development standards, including those in MCC 39.4325, are not applicable.

Note that the service provider letters identified by the County at the December 4 Pre-Filing Meeting have been requested but not yet received. These are the Septic Review Certification Form and the Fire Service Agency Review Form, which will be submitted to County upon receipt.

SEC Standards and Criteria (MCC 39.5590)

The standards and criteria that apply within the SEC-wr overlay zone are found in MCC 39.5590-SEC-wr Permit Criteria (Significant - Water Resources). As documented below, the design of the planned stream restoration project complies with all applicable approval criteria for work in the SEC-wr Overlay, as described in MCC 39.5590. In the following narrative, text from the County Zoning Code is shown in **boldface** type.

(A) Decision Review Process.

Response: The proposed stream restoration project will be reviewed through a Type II procedure, under (A)(2), since the required stream restoration grading is by definition within 100 feet of the stream.

(B) Application Submittal Requirements.

Response: This application provides a written description of the proposed development and how it complies with the applicable approval criteria consistent with (B)(1). A site plan containing all the applicable elements of (B)(2) is provided in Appendix G, Sheets 1 - 4. There are no proposed buildings or structures so (B)(2)(j) does not apply to this proposal. Figure 5 provides a description and map of soil types and Sheets 7 - 10 show the details of planned grading consistent with (B)(3). Wetland and related surveys prepared by professional wetland scientists, biologists, and surveyors complying with (B)(4) are described in the Resource Assessment section (above) and presented in Appendices B, C, and D. Multiple meetings and communications with federal or state regulators have occurred, including a Streamlining Team meeting with USACE, USFWS, NOA NMFS, DSL, and ODFW representatives, and a DEQ meeting. Appendices E and F provide meeting summaries in compliance with (B)(5). The response to the

project was strongly favorable, with regulators noting the significant resource benefits of the restoration work. A joint permit application is planned for submittal in December, 2025.

For these reasons, the standards of 39.5590(B) are met.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9B	Cazadero silty clay loam, 0 to 8 percent slopes	0.0	0.2%
9C	Cazadero silty clay loam, 8 to 15 percent slopes	5.5	65.2%
57	Wollent silt loam	2.9	34.7%
Totals for Area of Interest		**8.4**	**100.0%**

Figure 5. Map and legend of existing soil types at the site

(C) SEC-wr and SEC-s Permit Approval Criteria.

(1) Except for the exempt uses listed in MCC 39.5590 and the existing uses pursuant to MCC 39.5525, no development shall be allowed within a Riparian Area unless the provisions of subsections (2) or (3) and (4) below are satisfied. An application shall not be approved unless it contains the site analysis information required (B) above.

Response: Subsection 39.5590(C)(2) does not apply since, as noted above, the required stream restoration grading is by definition within 100 feet of the stream. Therefore, Subsections 39.5590(C)(3) and (4) apply and are satisfied as documented below. The application contains the site analysis information required 39.5590(B) as documented above.

(3) Alternatives Analysis Sites Development proposed within a Riparian Area may be allowed if there is no alternative, when the other requirements of the Overlay including the Development Standards of subsection (4) and the provisions for Mitigation in subsection (D) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

(a) No practicable alternatives to the requested development location exist on the property further than 100 feet from the protected water feature;

Response: Since the proposed project is a riparian and stream restoration measure, there is no alternative to proposed location for the project. Meaningful stream restoration is achievable only through in-channel work. The human-made pond and dam at this specific location represents the impacted Riparian Area that is targeted for restoration.

This site was selected for restoration because, as noted above, removal of Cottrell Pond is identified by the Johnson Creek Watershed Council as a top priority to improve water quality in Johnson Creek. As documented in Case T3-2022-16220, the Clackamas Partnership identified this as a priority project in their "Strategic Restoration Action Plan [SAP] to guide voluntary restoration actions designed to improve stream habitat, water quality, and native fish populations." In fact, Cottrell Pond is such a high priority because, in studies by the City of Gresham and by the Oregon Department of Environmental Quality, the pond increased stream temperature *more than any other remaining Johnson Creek pond* studied, and was second highest in increase of stream temperature *for any creek in the area*.

(b) Development within the Alternative Analysis Site in the Riparian Area has been limited to the minimum area necessary to allow for the proposed use;

Response: No buildings or structures are proposed for this project. Proposed grading and disturbance limits (Sheet 7) extend only as far as necessary to achieve the restoration objectives and allow for the proposed use. The proposed use is to: 1) convert a "Degraded Riparian Corridor" to a "Good Riparian Corridor" condition; 2) restore fish passage through the removal

of the impounding dam; 3) improve water quality in Johnson Creek through the decrease in water surface area and residence time (which will significantly decrease downstream water temperatures); and 4) retain ecological functions such as breeding opportunities for native amphibians and floodplain retention of flood waters. The artificial dam and pond area is 51,200 sq. ft. and the restoration grading area is 53,400 sq. ft. The Riparian Corridor area at the project site has an area of approximately 209,400 sq. ft.

(c) Development shall occur as far as practically possible from the protected water feature;

Response: The proposed work will coincide with the protected water feature because the project is specifically an improvement of the ecological values of that water feature.

(d) The Riparian Area can be restored to an equal or better condition; or

Response: The objective of the proposed project is to restore the degraded Riparian Area to a much-improved, better-than-before condition. The project will improve ecological functions at the project site, including restoring fish passage, significantly improving water quality, restoring native riparian plant communities, increasing riparian canopy cover, and removing and discouraging invasive plant and animal species. Ecological functions currently provided at the site, despite its degraded condition, will be largely preserved, including breeding opportunities for native amphibians and retention of flood waters by the floodplain.

(e) Any net loss on the property of Riparian Area is mitigated.

Response: There will be no net loss on the property of Riparian Area. The proposed restoration will significantly enhance Riparian Area condition, with a net increase of the corridor from "degraded condition" to "good condition". Therefore, and as further documented in MCC 39.5590(D) below, no mitigation is needed or required for this project.

(4) Development Standards; Development within the Riparian Area shall comply with the following standards:

(a) Development of trails, rest points, viewpoints,[…]

Response: The project site is not within a public or private park and does not incorporate the development of trails, rest points, viewpoints, or other similar facilities.

(b) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut […]

Response: The proposed project is in an area with an impounded pond and degraded stream channel area without dense stands of trees. The project will increase the density of trees with extensive new native plantings, as shown on Appendix B.

While there are no dense tree groves on the property, select individual trees will be removed to allow for stream restoration grading. A total of 20 trees will be removed, which is approximately 8% of the trees on the site (well below the allowance of 50% removal for dense tree groves). Trees of 6-inch DBH or greater that are removed will be replaced with a total of 966 native trees, a 48:1 ratio far exceeding the 1:1 replacement standard.[1][2] Replacement trees will be placed within the riparian corridor or adjacent to it to provide shade, water retention, and wildlife habitat. The additional tree plantings may be smaller. The Riparian Area Inventory, Assessment and Restoration Plan (Appendix B) indicates the location, type, and size of trees proposed for removal, and the location and type of replacement trees.

(c) Areas of standing trees, shrubs, and natural vegetation shall remain connected or contiguous, […]

Response: After construction and revegetating of the proposed stream restoration project, the substantial new native plantings will improve the connectivity of vegetated areas at the site, particularly along Johnson Creek. Improvements in ecological functions, increases in the cover of native plant species, and restored aquatic connectivity between upstream and downstream reaches will provide additional food, water, and cover to wildlife beyond what currently exists.

(d) The Riparian Area shall be restored to "Good Corridor condition" as defined in MCC 39.5590 (D)(1), and maintained in accordance with the mitigation plan pursuant MCC 39.5590 (D).

Response: The proposed project will restore the Riparian Area from the existing Degraded Corridor condition to a Good Corridor condition, as defined by MCC 39.5590 (D)(1): The current combination of native trees, shrubs, and groundcovers in the Riparian Area, which is approximately 30% of the area, and tree canopy, which is approximately 59% will be replaced with 38 native plant species with an estimated native cover of 85%. Some areas without riparian tree canopy cover will be preserved to provide sunny off-channel breeding habitat for native amphibians. The current 85% coverage of non-native and invasive plant species will be

[1] To mitigate these trees, only 20 replacement trees would be required by this standard. Any mitigation condition imposed by the County should be limited to these 20 trees. The additional 946 trees are restoration plantings, not required mitigation.

[2] The proposed native tree plantings are bareroot which project scientists have found to be most effective for restoration purposes. While these may not be fully equivalent in size to a “5 gallon” tree, they are better adapted to local site conditions, do not require irrigation, and have higher growth and success rates than potted plants.

decreased below 10% of the Riparian Area and native plantings will discourage invasive species in the future.

Total proposed restoration plantings at the site include approximately 6,230 native herbaceous plants, 6,000 native shrubs, and 966 native trees.[3]

(e) To the extent practicable, existing vegetation shall be protected and left in place.

Response: Existing native vegetation will be preserved to the greatest extent possible. Limits of disturbance on the western edge of the project area, where the dam is to be removed, have been adjusted to protect the root zones of existing stands of alder and cedar trees. Isolated islands of native spirea and alders persisting in the meadow of invasive reed canary grass to the east in the project area will be individually evaluated and protected where possible.

(f) Prior to construction of the development, the boundaries of the Riparian Area shall be flagged, fenced or otherwise marked […]

Response: The restoration of the degraded Riparian Area is the goal of the proposed project. Where restoration grading is required, the limits of disturbance (Sheet 3) will be clearly flagged or otherwise marked and areas outside of those limits will be protected.

(g) Stormwater drainage control facilities […]

Response: The proposed project will restore the natural hydrology of the area and is not a development requiring stormwater facilities.

(h) The nuisance and invasive non-native plants, as defined in MCC 39.5520, shall not be used as landscape plantings within the Riparian Area.

Response: No nuisance, invasive, or non-native plantings will be incorporated into the proposed project's revegetation plan (see Appendix B).

(i) Areas of erosion or potential erosion shall be protected from loss by appropriate means. […]

Response: Stormwater during construction will be managed under an Erosion and Sediment Control Plan (ESCP) which includes Best Management Practices for preventing erosion. The revegetation plan also incorporates stabilization of banks with native plants as an objective. Plantings designed to prevent erosion will be completed before October 15. The ESCP will be provided to Multnomah County and forms the basis of the DEQ 1200 CA permit that will cover construction activities. All work below the current Ordinary High Water line will also be

[3] See prior footnote.

restricted to the ODFW-determined In-Water Work Window (IWWW) between July 15 and August 31 to avoid the wet season. Water bypass operations around the construction site will be sized to handle twice the highest flow observed in the last ten years during the IWWW.

(j) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped Riparian Areas. […]

Response: No outdoor lighting will be incorporated into the proposed project.

(k) A bridge or open-bottom culvert, which does not disturb the bed or banks of the stream and is in compliance with the County's Flood Hazard regulations shall be utilized for any crossing of a protected streams.

Response: The existing dam will be used to provide access across Johnson Creek for heavy equipment during construction. The dam will then be removed in the last stage of construction. If a stream crossing is necessary after the removal of the dam, a temporary bridge will be used that protects the stream bed and banks. After construction the temporary bridge will be removed. No permanent stream crossing is proposed.

(D) Mitigation:

Mitigation shall be required to offset the impacts of development within the Riparian Area. This subsection establishes how mitigation can occur.

Response: The proposed project has the specific purpose of improving the SEC-wr Riparian Area and converting it from a Degraded Corridor to a Good Corridor condition. "Development" in this case (grading in excess of 10 cubic yards per MCC 39.5520) are the actions taken to create a Good Corridor Riparian Area.[4] The project will restore fish passage, improve Johnson Creek water quality, and reestablish a natural stream channel with extensive riparian, wetland, and upland native planting areas. The proposed Restoration Plan is provided in Appendix B; the restoration plan drawing is shown on Sheet 3.

Because the Riparian Area is restored to a better condition, it is the City's view that there is no net loss of Riparian Area that would require mitigation. Nevertheless, we offer the following mitigation findings to support the application.

(1) Vegetated Corridor Condition: For the purposes of the SEC-wr Overlay, vegetated corridor conditions are defined below…

[4] There are no proposed buildings or structures, only the grading needed to remove the man-made structures and barriers to Johnson Creek, and to restore the stream channel.

Response: This is definitional statement and not a review standard. Vegetation corridor conditions are described above.

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

Response: This standard does not apply because the requirement for and the location of this project were determined through a prior land use review (see Appendix F).

(3) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development, compensatory mitigation shall be required to offset the encroachment of the development into the area. The mitigation shall meet the following:

Response: The standards of MCC 39.5590(D)(3)(a)-(b) do not apply because the requirement for and the location of this project were determined through a prior land use review (Appendix F).

(c) **Only Marginal or Degraded Corridor(s) as defined in MCC 39.5590 (D)(1) 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 Corridor(s) that are closest to a natural drainage on the property, 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 and shall comply with (c) and (d) above.**

Response: As documented above and in Appendix B, the riparian area at this site is currently in a Degraded Corridor condition. This area is the target of the proposed restoration. The area is located at the highest priority site along the historic natural drainage which was dammed and converted to an artificial pond. The proposed extensive native vegetation in the riparian area and along the restored stream channel will expand contiguous vegetative cover throughout the site. All proposed restoration/mitigation work is on site; no off-site mitigation is proposed.

(f) **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.

Response: While the City maintains that compensatory mitigation is not applicable to this proposal, and further that the City owns and commits to managing the restoration work at this site, the City understands that the County may choose to apply a condition of approval.

(4) Mitigation Plan Standards: Natural resources mitigation plans shall contain the following:

(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.**

Response: This is an identified top priority restoration project within the Johnson Creek watershed. The important ecological benefits of this work are identified in this narrative and in Appendices A and B. In order to access the work area and to remove the existing dam, 20 trees will need to be removed. Extensive on-site review of trees and root protection zones with the project arborist and construction contractor led to avoidance of many trees and an overall reduction from an initially proposed 52 trees removed to the current 20 trees. Of these 20 trees, 8 are non-native so the net "adverse impact" is effectively 12 native trees. Removal of invasive trees (e.g., Norway maples) will support the restoration objectives of this project.

The unavoidable adverse impacts of the project are therefore limited to the removal of 16 native trees. All other adverse impacts were avoided and minimized as described above. The 16 trees will be "mitigated" through the planned extensive native tree plantings across the site, as documented in Appendix B.

(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.**

Response: The responsible parties are the owner/applicant Portland Water Bureau (Burke Strobel and Angie Kimpo) and the contractor (Andrew Braun, Braun Construction and Design LLC).

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

Response: The Proposed Conditions Plan, Sheet 3, shows where specific restoration work will occur. The restoration plan is described in further detail in Appendix B.

(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.

Response: The project implementation schedule is as follows:

- Stream restoration construction activities will begin July 1, 2026. This will include mobilization, site preparation, and erosion control.
- Work below the current Ordinary High-Water Line will begin July 15, 2026 (in accordance with ODFW in-water work period).
- Work below the current Ordinary High-Water Line will be completed by August 31, 2026 (in accordance with ODFW in-water work period).
- Revegetation with native species will occur in the fall of 2026 through early spring of 2027.
- Following completion of restoration and revegetation work, a qualified professional will provide Certification of restoration work and projected "Good Corridor" condition in 5 years to Multnomah County Land Use Planning.
- Monitoring and maintenance of plantings will occur annually for 5 years.
- A yearly report (2027-2031) will be provided to Multnomah County Land Use Planning outlining the condition of the plantings.

(f) **Mitigation work shall be completed prior to initiation of development where possible.**

(i) **Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established in the next planting season.**

(ii) **Nuisance and invasive non-native plants, as defined in MCC 39.5520, or other debris and noxious materials shall be removed and be kept removed from the Riparian Area by the property owner.**

1. **Removal shall be by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.**
2. **Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas.**
3. **Nuisance and invasive non-native plants, as defined in MCC 39.5520, shall be replaced by the next growing season with native plants that are appropriate to the site conditions to restore the vegetated corridor.**

Response: Following site restoration grading and removal of nuisance and invasive vegetation, the site will be revegetated with native plants as described in Appendix B. These plantings will be completed by the next growing season; all proposed plantings are native and appropriate to

the site conditions to restore the vegetated corridor. Invasive plant removal will be by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation. Erosion control measures are identified in the ESC Permit (filed separately) and will include erosion control BMPs**.**

(E) Required Conditions of Approval for all SEC-wr and SEC-s Permits.

The Conditions of Approval in this section will be satisfied in the following ways:

(1) The project biologist or other qualified professional will certify that the riparian corridor was restored according to the Restoration Plan, and that the riparian corridor will qualify as "Good Corridor" after 5 years of maintenance of native plantings and removal of invasive species. Certification will be shared with Multnomah County Land Use Planning following completion of restoration work.
(2) As documented in Appendix B, all plantings in the SEC-wr identified in the revegetation plan will be monitored for 5 years. A yearly report summarizing monitoring and vegetation maintenance efforts will be provided to Multnomah County Land Use Planning.
(3) Disturbance limits will be clearly marked in advance and adhered to minimize short-term impacts on the Riparian Area resulting from stream restoration activities.
(4) No trees in the Riparian Area will be used as anchors.

Lot of Record Status

MCC 39.3005 Lot of Record—Generally

(A) An area of land is a "Lot of Record" if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

Response: The project site consists of a single lot between SE Bluff Rd and SE Dodge Park Blvd at coordinates: 45.462192, -122.305010 (Figure 3). It is located on taxlot 1S 4E 22CD 300. The lot meets the standards of Subsection (B) and the standards for the MUA-20 zone, as described below. Therefore, the taxlot at the project site is a Lot of Record.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(1) "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.

(2) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or

(b) 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

(c) 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

(d) By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

(e) "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.)

Response: The subject tax lot 300 has been in its current configuration since September 11, 1969, when conveyed by deed**,** recorded at Deed Book 697, Page 274 in the Multnomah County deed records. A Record of Survey of the subject tax lot recorded on January 14, 1999, Register Number 56435, was filed to establish lot configuration of the tract of land described in Deed Book 697, Page 274 date 9/11/69. The property survey is provided in Appendix I-1.

The major dates for determining the "applicable zoning laws" under subsection (B)(1) are indicated by MCC 39.3080(A), provided below. On the relevant 1969 creation date, the lot was zoned F-2. For Tax Lot 300, the 1968 Zoning Ordinance is the relevant document.[5] The minimum lot size was up to 40,000 square feet depending on available services. The minimum required average lot width was seventy (70) feet, the minimum lot width at the building line was seventy (70) feet, and the minimum lot depth was one hundred (100) feet. Because Tax Lot 300 is (and was) 8.14 acres, and the lot dimensions at the time of the relevant creation date in 1969 far exceed the minimum required lot size and dimensional standards under the F-2 1968 Zoning Ordinance standards, Tax Lot 300 meets these "satisfied all applicable zoning laws" when created.

[5] Available at: https://www4.multco.us/lup_historical_maps/1968-5 21%20Zoning%20Ordinance%20100%20as%20amended/03%20Residential%20ZO%201968-5-21.PDF

The City of Portland purchased the subject property in October 2025. The deed (Book 697, Page 274 date 9/11/69) was verified by the Record of Survey (Appendix I-1), and the legal description of the property has remained unchanged. When comparing lot dimensions from the 1999 survey with the current Assessor Tax Map for the tax lot (Appendix I-3), the lot line dimensions are the same, demonstrating that the lot was created by a deed "recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978" under subsection (B)(b)(2). Therefore, this lot "satisfied all applicable land division laws" as required by subsection (B)(b).

The standards in Subsection (B) are met.

MCC 39.3080 Lot of Record—Multiple Use Agriculture-20 (MUA-20)

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 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.*

Response: This section provides information relevant to the evaluation of a lot of record but does not provide a separate standard to meet for approval.

(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 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Response: Tax Lot 300 since its creation has remained an 8.14 acre tax lot. While the tax lot size does not meet the 20-acre minimum lot size in the MUA-20 zone, it was legally created by deed at a time when the minimum lot size standards were 40,000 square feet and is therefore considered a legally nonconforming lot with respect to size and exceeds the minimum 50-foot front lot line length in the MUA-20 zone and abuts a public street in compliance with MCC 39.4345. Therefore, this standard is met.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, 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.

Response: There has been no sale, conveyance, or reconfiguration of any portion of the subject lot since its creation in 1969, as demonstrated by the title report for the tax lot included in Appendix I.d [pending].

There are two structures (single-family home and pole barn) currently on the lot. Since there has been no sale, conveyance, or reconfiguration of any portion of the subject tax lot since its creation, this standard does not apply. However, the submitted site plan demonstrates that the existing structures meet the minimum required yard setback consisting of a 30-foot front yard setback (48 ft. provided), 10-foot side setback (14 ft. provided), 30-foot street side setback (not applicable because the lot only fronts on SE Cottrell Road), and 30-foot rear setback (+/-350 ft. provided). As demonstrated, the lot meets the minimum lot, yard, and width requirements of the MUA-20 zoning district. Therefore, this standard is met.

(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.*

Response: As documented above, the subject lot is recorded in Multnomah County deed records in its current configuration and is not solely a tax lot for assessment and taxation purposes, nor was it created by foreclosure or court decree. Overall, the subject lot meets the standards of Subsection (B) and the standards for the MUA-20 zone. Therefore, it is a Lot of Record.

Conclusion

This proposed multi-objective restoration project is an allowed public conservation area use in the MUA-20 base zone. As demonstrated by this narrative and the attached project plans and supporting documentation, this project meets all of the standards and criteria for the SEC-wr overlay zone.